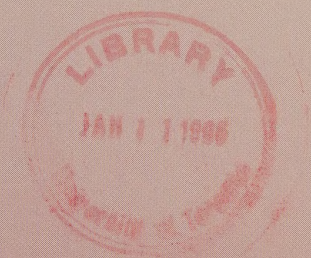


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FEDERAL REGULATORY PLAN

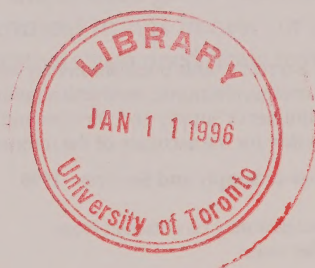
1996



**A guide to
planned regulatory
initiatives**

FEDERAL REGULATORY PLAN

1996



**A guide to
planned regulatory
initiatives**

Info Source

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An initiative of the Treasury Board of Canada, Info Source is designed to make it easier for the public to gain access to information about the Government of Canada. It includes reference material to help Canadians exercise their rights under the *Access to Information Act* and the *Privacy Act* as well as a practical guide to federal programs and services.

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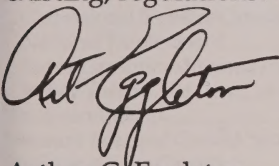
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Message from the President of the Treasury Board

The 1996 *Federal Regulatory Plan* brings together the regulatory proposals of the federal government for the coming year.

Regulations exist for a reason. Among other things, they help protect the health, safety and environment of Canadians, prevent unfair competition, and protect organizations that are deemed to be culturally or economically important to Canada. That's a tall order. Regulations benefit every Canadian, but every Canadian is also paying for that protection through the direct and indirect effects on our economy and on our society. We must ensure that our regulatory infrastructure is both the one we need and the one we can afford. The federal government and the provinces know this, and are working together in many areas to create a regulatory climate that makes sense for Canada, that continues the protection that Canadians demand and, at the same time promotes jobs, investment and growth.

The *Plan* contains important information about the government's regulatory intentions for 1996. Having this information in advance gives you the opportunity to make your views known before the government brings in new, or amends existing, regulations. We welcome your comments; we need your input.

A handwritten signature in black ink, appearing to read 'Art Eggleton', with a stylized, flowing script.

Arthur C. Eggleton

Table of Contents


About the 1996 <i>Plan</i>	i
What do the numbers and letters mean?.....	ii
Federal Regulatory Reform Agenda: Update	iv

Departments and administrative bodies

Agriculture and Agri-Food Canada	1
Canadian Heritage	19
Citizenship and Immigration Canada	26
Environment Canada	33
Finance Canada	45
Fisheries and Oceans.....	63
Foreign Affairs and International Trade Canada	67
Health Canada.....	70
Human Resources Development Canada	98
Indian and Northern Affairs Canada	110
Industry Canada.....	121
Justice Canada	142
National Defence	148
Natural Resources Canada	151
Public Works and Government Services Canada	161
Revenue Canada.....	162
Solicitor General Canada	182
Correctional Services Canada.....	184
National Parole Board	183
Royal Canadian Mounted Police.....	187
RCMP External Review Committee.....	188
Transport Canada	190
Treasury Board of Canada Secretariat.....	221
Veterans Affairs Canada.....	225

Regulatory agencies

Atlantic Canada Opportunities Agency	229
Atomic Energy Board Canada	230
Canada Mortgage and Housing Corporation	232
Canadian International Trade Tribunal.....	234
Canadian Radio-television and Telecommunications Commission.....	235
Copyright Board Canada.....	238
Hazardous Materials Information Review Commission Canada	239
Immigration and Refugee Board.....	242
National Capital Commission	245
National Energy Board	247
National Transportation Agency	253
Office of the Chief Electoral Officer.....	271
Office of the Superintendent of Financial Institutions	272
Progress report on initiatives listed in the 1995 <i>Plan</i>	279
Index.....	304



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About the 1996 Plan

The *Federal Regulatory Plan* is an annual listing of the government's anticipated regulatory activity for the coming year. Providing this advanced notice gives interested groups and individuals the opportunity to participate at an early stage in the development of regulations that may affect them.

Components

The 1996 *Plan* has the following parts:

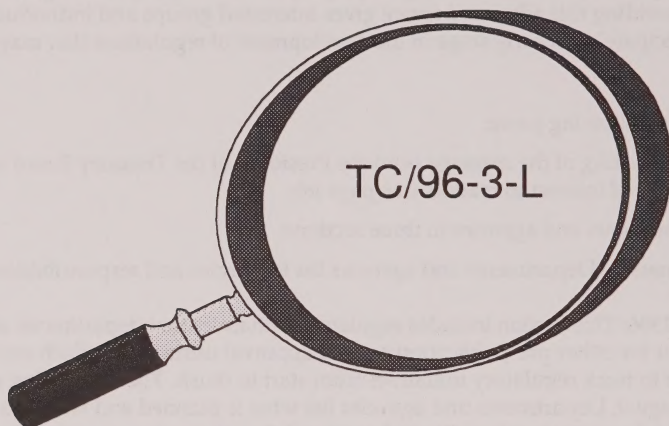
- 1) an introduction consisting of the message from the President of the Treasury Board and other material that may be of interest to readers (see page *iv*);
- 2) initiatives of departments and agencies in three sections:
 - **General information:** Departments and agencies list their roles and responsibilities, and relevant statutes.
 - **Initiatives for 1996:** This section includes regulatory initiatives that departments and agencies expect to submit for either pre-publication or final approval during 1996. Each initiative has its unique number to track regulatory initiatives from start to finish. The numbering sequence is explained on page *ii*. Departments and agencies list what is planned and why it is necessary, including a brief description of benefits and costs and the alternatives considered, and how the department and agency will consult; and
 - **Future initiatives:** This section provides information on proposed regulatory initiatives on which departments and agencies have already started working but which are scheduled for implementation after 1996; and
- 3) Progress report: It reports the status of regulatory initiatives from the 1995 *Plan*;
- 4) Index: It allows the reader to find regulatory initiatives by subject. The subject heading are sorted alphabetically. For example, you will find the initiatives with major impact under "major initiatives."

Feedback

We are constantly striving to make the *Plan* more informative and user friendly. We welcome your comments. Please contact us at:

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Treasury Board Secretariat
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What do the numbers and letters mean?



The numbering sequence is a four-part descriptive code, using the example above :

TC: The first level of the numbering sequence represents the abbreviation of the department or agency responsible for the initiative, e.g., TC for Transport Canada.

96: The second level indicates the year the initiative appears in the *Plan*:

- a new 1996 initiative is shown with a **96**;
- a recurring initiative is one that for one reason or another appears every year. It is shown with an **R**;
- a carry-over initiative is identified with the year it was first published in the *Plan*.
For example, EMR/92-14-L was first published in the 1992 *Plan* by the then Department of Energy, Mines and Resources (now the Department of Natural Resources), as initiative number EMR-14. This initiative is one that was published in the 1995 and previous year's *Plan* and did not receive final approval. Natural Resources Canada, and other departments and agencies with carry-over initiatives, plan to move forward with such initiatives in 1996.

3: The third level represents a project number assigned by departments and agencies.

The project number used for carry-over initiatives like the EMR example, is the same as when the initiative was first published in the *Plan*.

L: The fourth level is drawn from the classification scheme (see the table on the next page) and represents the category under which the initiative falls, either low-cost initiative (L), intermediate-cost initiative (I) or major initiative (M). For the purposes of the *Federal Regulatory Plan*, initiatives are classified according to anticipated costs to Canada and degree of acceptance.

The following table summarizes the classification scheme.

	ANTICIPATED COST	DEGREE OF ACCEPTANCE	
		HIGH	LOW
	COST OVER 11 YEARS	low-cost initiative	low-cost initiative
		intermediate-cost initiative	major initiative
		major initiative	major initiative

Departments and agencies calculated “present value” by applying a discount rate to the cost estimates for each year. While a bit arbitrary, this approach suffices for most initiatives.

- if the initiative has a present value of less than \$100,000, it is classified as a **low-cost initiative (L)**, regardless of whether the degree of acceptance is high or low;
- if it has a present value of costs between \$100,000 and \$50 million and a high degree of acceptance, it is classified as a **intermediate-cost initiative (I)**; and
- if it has a present value of costs between \$100,000 and \$50 million and a low degree of acceptance, or a present value of costs greater than \$50 million, it is classified as a **major initiative (M)**.

Federal Regulatory Reform Agenda: Update

In December 1994, as part of the comprehensive Jobs and Growth strategy, the Government released its *Building a More Innovative Economy* plan. The *Federal Regulatory Reform Agenda* is central to that plan.

Regulation is an important tool for the federal government. So why reform it? Because of the efficiency and effectiveness problems:

- There are more than 40,000 pages of federal regulations which Canadians find difficult to understand and follow, and which are often redundant and obsolete. At the same time, lowers compliance and raises government enforcement costs.
- The process to create new or amend old regulations is complicated and time-consuming. It makes it difficult to cope with situations where regulatory requirements do not fit special cases well, or where circumstances change rapidly.
- Federal regulations often focus too much on technical requirements rather than on the goals of regulations. This delays introducing innovations that would protect the public better, often at less cost.

These problems have made regulatory reform a priority. The government is making changes in areas such as agriculture, transport, and communications to reduce burden and streamline requirements while protecting Canadians.

A. Implementing the results of the 1992-94 review of existing regulations

The federal government has to date revoked more than 150 regulations and revised another 170 because of the 1992-94 Regulatory Review. By the end of 1996, 100 more regulations will be revoked and another 200 significantly revised. By the end of 1998, there will have been 835 regulatory *actions*.

These are some of the Regulatory Review's accomplishments:

Agriculture

- greater industry-government cost sharing
- movement toward commercializing grading functions that primarily benefit industry
- first steps towards harmonizing the entire Canadian food inspection system

Environment

- regulatory consolidation/harmonization
- innovations in using alternatives to regulations
- increased use of flexible responsive ways of regulating (encouraging performance standards and flexibility concerning technical details)

Fisheries

- reduce the fishery management regulations from 2000 to 500 pages by the end of 1996

Revenue

- review the *Customs Act* and the *Excise Act* to create more flexible, transparent and less intrusive processes

- new business relationships are being established with major importers that will save taxpayers and the private sectors millions in dollars in unnecessary paperwork

Industry

- changes to business and consumer regulations are improving federal/provincial harmonization and enhancing the competitiveness of federally incorporated companies
- radio regulation changes will help incorporate future technologies
- more flexible form-filing requirements will reduce the information-burden on business

HRDC/Labour

- Labour Code changes will refer more to standards and focus more on expected results
- modern approaches to problem solving will create smarter government-private cooperation on workplace issues
- federal-provincial harmonization increasing

Transport

- simplified rail regulations are revitalizing the rail industry
- the drafting units are making regulatory changes faster
- marine regulations are becoming more responsive to change
- the department is a leader in writing new regulations in plain language
- the redrafting of aviation regulations will be completed in 1996

The Regulatory Review has given more focus and direction to programs, and has helped to speed up efforts to create a more modern and responsive regulatory regime at the federal level.

B. Managing regulations better

A number of cross-government actions complement the Regulatory Review, 10 of which are outlined below:

1. Reducing paper burden

Federal information and survey requests are a burden particularly on small- and medium-sized enterprises (SMEs). Eliminating duplication and reducing the work required to meet these requests will reduce the cost to business and to the government, and give more time to SMEs to create jobs. Representatives from small businesses and seven major federal departments will work together to:

- measure information burden on SMEs;
- highlight irritants and solve them; and
- develop a way to ensure that no unnecessary burden is imposed in the future.

The updated Treasury Board Regulatory Policy will require that information and administrative requirements are limited to what is necessary and impose the least possible cost. This *Plan* also provides good examples of regulatory initiatives that can help reduce paper burden and keep information burden to a minimum. These include:

- streamlining existing regulations (e.g., reducing documentation required for trademark registration);
- focusing more on major concerns (e.g., reducing notification requirements for minor changes in drug products); and
- re-engineering transaction requirements (e.g., enabling importers to submit interim accounting reports electronically and enabling Customs to release commercial goods without hard copy documentation).

2. Six sectors of the Economy

Along with the Regulatory Review's actions, regulatory efficiency and effectiveness in sectors of the economy need to be improved.

Regulatory reform targeted six sectors:

biotechnology - new regulations are being approved for novel foods. Other regulatory changes are awaited to complete the biotechnology regulatory framework. These will protect Canadians and provide certainty for industry regarding the rules.

automotive - after jointly assessing irritants, industry and the government set regulatory reform priorities. Improvements are being made in three areas: taxation, Workplace Hazardous Materials Information Systems, and technical standards.

health - changes are under way to regulations affecting market access and product development. Better risk management of safety issues and greater use of international standards are key.

mining - Natural Resources, regulatory departments, the industry and other stakeholders together are reforming regulations to promote sustainable development, reduce overlap and duplication among regulatory programs, provide for greater certainty for industry, and reduce delays and costs related to environmental and land-use decision-making.

aquaculture - the Federal Aquaculture Development Strategy was announced earlier in 1995 and a regulatory review is now examining constraints and will propose appropriate changes. A first step is Minister Tobin's announcement that regulations affecting aquaculture, that were designed for fish as a common property resource and not for the industry, and which introduce unnecessary costs no longer apply to aquaculture.

forest products - Industry Canada and the forest products industry have agreed on a number of changes: a move to greater use of standards rather than regulations. The Business Impact Test will be used to analyse other issues, including taxation harmonization.

3. The Legislative Initiative

The regulatory legislative initiative involves two pieces of legislation:

- 1) The *Statutory Instruments Act* will be updated and renamed the *Regulations Act* to provide a modern, responsive regulatory framework. The bill (referred to parliamentary committee this fall) will speed up and simplify the regulatory process for some classes of regulations, and ensure meaningful public consultation in developing regulations. It will also set out the principles governing the legal drafting technique of incorporating by reference.
- 2) The proposed *Regulatory Efficiency Act* complements the *Regulations Act*. It allows businesses to apply for special compliance plans if they can clearly demonstrate that they can achieve or exceed the objectives of regulations in a different way. The President of the Treasury Board introduced the bill to the House in December 1994. It ensures openness and transparency, makes sure stakeholders are consulted, and precludes any compliance plans that would compromise the environment or the health and safety of Canadians. The bill also provides a statutory alternative to the existing common law authority of the federal government to enter into administrative agreements with other jurisdictions to promote the effective and efficient administration of regulatory programs. However, the bill will not authorize the delegation of any federal powers or responsibilities to those other jurisdictions.

4. Federal-provincial regulatory cooperation initiative

Under the Federal-Provincial Agreement on Internal Trade, the federal government is working with the provinces to identify overlap and duplication in regulations, and areas for administrative cooperation to reduce the cost to taxpayers of developing, implementing and administering regulations.

5. New regulatory process standards

The Treasury Board, working with major regulatory departments, has developed quality management standards. They will encourage good management systems that will duly consider regulatory alternatives, flexibility and benefits and costs. These standards are now official directives for federal regulatory authorities. All major regulators should have regulatory process management standards in place by December 1996; minor regulators will follow a year later. Major regulators must review their management system within three years while minor regulators will carry on audits on a schedule based on the risk associated with their regulations.

6. A better approach to handling complaints

The regulatory process management standards can help the federal government ensure that departmental complaint mechanisms follow good management principles – including resolving complaints early and ensuring that affected parties can access procedures easily.

This will make it easier for Canadians to comply with regulations, and for government to identify and resolve problems. With consultations now complete, an advisory guide is being developed for publication in March 1996.

7. New plain language guidelines

Technical and legal language often obscure regulations and make it difficult for businesses and individuals to know what is required of them. It also increases costs because explanatory documents are often needed to explain the regulations.

Two pilot projects were carried out using plain language, good presentation and smart graphics. A set of guidelines on drafting new or amended regulations resulted from these programs. These guidelines are being sent to federal regulators now and will also be shared with the provinces.

8. Using the Business Impact Test

The Business Impact Test is an interactive software tool that explains the impact of regulatory change on sectors and individual businesses. All regulatory departments must now use the Test, or an equivalent analysis, in evaluating significant regulatory changes. The Test:

- looks at how regulations affect the way firms operate. It collects information such as market opportunities, investment and employment, technology transfer, strategic planning and bottom-line costs. It also examines regulatory overlap and duplication, compliance and enforcement, and alternative approaches; and
- helps governments and the private sector to find less costly approaches to protect Canadians.

9. Improved access to regulatory information

Businesses often find it difficult understanding and complying with related regulations from various departments. Four federal departments (Agriculture and Agri-Food, Fisheries and Oceans, Health, Industry) now offer simplified and coherent information on federal food inspection programs via the Single Window Directory of Food Services. These departments are currently evaluating the experience gained by using the directory at the Canada/Saskatchewan Business Service Centre. All Canada Business Service Centres will soon carry similar user-friendly regulatory information.

The updated Statutes of Canada are now available on the World Wide Web in a word-searchable form. Consolidated and updated versions of all regulations will also appear on the Web soon.

10. Building a new regulatory culture

Federal regulators must develop a new "regulatory culture" to reduce program costs, develop new service standards and improve service quality. The Treasury Board is promoting the new culture through:

- publications, brochures and guidelines on all aspects of smart regulatory management;
- new Web access to these guidelines and other information of importance to regulators and the public;
- a Best Practices system that shares the lessons learned with those who are managing regulatory changes; and
- new training courses in December 1995: plain language in regulation, alternatives to regulation, benefit-cost analysis, and regulatory impact.

Finally, the government's updated **Regulatory Policy**, effective November 1995, now guides federal regulators, and gives Canadians an insight of the rules.

Government of Canada
Regulatory Policy*
- Requirements -

When regulating, regulatory authorities must demonstrate that:

- 1) A problem or risk exists, federal government intervention is justified, and regulation is the best alternative.
- 2) Canadians are being consulted, and have an opportunity to participate in developing or modifying regulations and regulatory programs.
- 3) The benefits outweigh the costs to Canadians, their governments and businesses. In particular, when managing risks on behalf of Canadians, the limited resources available to government are used where they do the most good.
- 4) Adverse impacts on the capacity of the economy to generate wealth and employment are minimized and no unnecessary regulatory burden is imposed. In particular:
 - information and administrative requirements are limited to what is necessary and impose the least possible cost;
 - special circumstances of small businesses are addressed; and
 - parties proposing equivalent ways to conform with regulatory requirements are given positive consideration.
- 5) Inter-governmental agreements are respected and full advantage is taken of opportunities to coordinate with other governments and agencies.
- 6) Systems are in place to manage regulatory resources effectively. In particular:
 - the Regulatory Process Management Standards are followed;
 - compliance and enforcement policies are articulated, as appropriate; and
 - resources have been approved and are adequate to discharge enforcement responsibilities effectively and to ensure compliance where the regulation binds the government.

* This is summarized from the full Policy

Agriculture and Agri-Food Canada

Content

Initiatives for 1996

Food Production and Inspection Branch

Administrative Monetary Penalty System Regulations.....	11
Cost-Sharing Arrangements.....	8
Dairy Products Regulatory Review	11
Egg Regulations - Packing and Marking	4
Feeds Regulations - General Revisions.....	13
Fertilizers Regulations - Permit Procedure Clarification.....	13
Fertilizers Regulations - Standards and Labelling Requirement Revisions.....	13
Field Testing Notification - Clarification.....	12
Food and Drug Regulations - Fat Content of Ground Meat.....	12
Food and Drug Regulations - Initiatives Resulting from the Regulatory Review.....	10
Fresh Fruit and Vegetable Regulatory Review	11
Health of Animals Regulations - Alternative Program Delivery	5
Health of Animals Regulations - Veterinary Biologics	14
Inedible Rendering Establishment Registration Regulations - New.....	4
Livestock and Poultry Carcass Grading Regulations - Privatization.....	5
Livestock and Poultry Carcass Grading Regulations - Veal Standards.....	6
Medicated Feed Establishment Registration Regulations - New	4
Plant Breeders' Rights Regulations - Amendment	12
Processed Products Regulations	6
Seeds Regulations, Part II - Seed Potatoes	9

Seeds Regulations - Authorization of Field Testing	14
Terms and Conditions for the Use of "Canada" Grade Names.....	13

Policy Branch

Dairy Producers Regulations - Protection for the Income	8
---	---

Canadian Grain Commission

Canada Grain Regulations - Fees of the Commission.....	7
Canada Grain Regulations - Grades	7
Special Crops Regulations	6

Market and Industry Services Branch

Canadian Wheat Board Regulations - Initial Payments	7
Farm Improvement and Marketing Co-operative Loans Regulations - Amendments.....	14

Canadian Pari-Mutuel Agency

Pari-Mutuel Betting Supervision Regulations - Drug Schedule Additions	8
---	---

Future initiatives

Food Production and Inspection Branch

Dairy Products Pasteurization Standards	15
Food and Drug Regulations - Routine Food Labelling/Advertising Amendments.....	17
Health of Animals Regulations - Foreign Animal Disease	16
Health of Animals Regulations - Reportable/Notifiable Diseases.....	16
Health of Animals Regulations - Transportation of Animals.....	16
Licensing and Arbitration Regulations - Revision	17

Canadian Grain Commission

Grain Futures Regulations.....	15
--------------------------------	----

Market and Industry Services Branch

Trade Marks Act Regulations - Geographical Indications for Wines and Spirits	17
--	----

Canadian Pari-Mutuel Agency

Pari-Mutuel Betting Supervision Regulations - Equine Drug Control	16
Pari-Mutuel Betting Supervision Regulations - Pari-Mutuel Betting Operations	17

National Farms Products Council

Agricultural Products Marketing Act - Various Orders	15
--	----

General information

Roles and responsibilities

A vision for the agri-food industry

The government's vision for the agri-food sector is for a growing, competitive, market-oriented industry that is profitable and that responds to the changing food and non-food needs of domestic and international customers. The vision also includes an industry that is less dependent on government support and that contributes to the well-being of all Canadians and the quality of life in rural communities, while achieving farm financial security, environmental sustainability and a safe, high-quality food supply.

The federal program review and the 1995 Budget provide the direction on how to realize this vision of economic growth and security within the context of fiscal restraint. To support the government's commitment to deficit reduction, Agriculture and Agri-Food Canada will reduce its budget by 19 per cent, from \$2.1 billion to \$1.7 billion (including revenues), over the next three years. Changes brought about by the Budget include reform of the western grain transportation system to reduce overall costs and to encourage new opportunities and value-added activities; elimination of the Feed Freight Assistance subsidy; reduction of the dairy subsidy; reduction of annual federal farm safety net spending; streamlining of the department's research infrastructure; a matching fund investment initiative for industry-led research; more focused trade and market development initiatives; and a more effective and efficient inspection and quarantine system.

The department's work force will be reduced by 18 per cent, or more than 2,000 positions, during the same time period.

As a result of these changes, the industry will be moving away from a reliance on government financial programs to an increased reliance on the marketplace. A series of initiatives to help farmers and processors adapt to a new market environment will accompany these changes. An adaptation and rural development fund of \$60 million per annum will be used to support initiatives to enhance the sector's ability to grow, capture markets and diversify through better access to capital, new management skills, better infrastructure, and improved access to information and technology.

To ensure that the regulatory framework for the agriculture and agri-food sector supports the vision for the industry and the government's fiscal directions, Agriculture and Agri-Food Canada continues to work towards maintaining protection for consumers, promoting more industry self-reliance, and creating more flexibility and growth in the marketplace by removing unneeded regulatory barriers.

Legislative mandate

The Minister of Agriculture and Agri-Food administers the following acts:

- *Advance Payments for Crops Act*
- *Agricultural Products Board Act*
- *Agricultural Products Cooperative Marketing Act*
- *Agricultural Products Marketing Act*
- *Animal Pedigree Act*
- *Appropriation Acts **
- *Canada Agricultural Products Act*
- *Canada Grain Act*
- *Canadian Dairy Commission Act*
- *Canadian Wheat Board Act*
- *Criminal Code **
- *Department of Agriculture Act*
- *Experimental Farm Stations Act*
- *Farm Credit Act*
- *Farm Debt Review Act*
- *Farm Improvement and Marketing Cooperatives Loans Act*
- *Farm Improvement Loans Act*
- *Farm Income Protection Act*
- *Farm Products Agencies Act*
- *Farm Syndicates Credit Act*
- *Feeds Act*
- *Fertilizers Act*
- *Financial Administration Act **
- *Grain Futures Act*

- *Hay and Straw Inspection Act*
- *Health of Animals Act*
- *Livestock and Livestock Products Act*
- *Livestock Feed Assistance Act*
- *Meat Import Act*
- *Meat Inspection Act*
- *Plant Breeders' Rights Act*
- *Plant Protection Act*
- *Prairie Farm Rehabilitation Act*
- *Prairie Grain Advance Payments Act*
- *Seeds Act*

* Acts that are not administered by Agriculture and Agri-Food Canada, but which have one or more regulations that are.

Overview of regulatory trends

Food inspection and quarantine regulations administered by the **Food Production and Inspection Branch** (FPIB) play an important role in providing consumers with a safe food supply, preventing the introduction of significant animal diseases and plant pests, and supporting the Canadian agri-food industry's access to domestic and international markets. The Branch also administers regulations directed at protecting Canadian consumers and industry from economic fraud in connection with the packaging, labelling, advertising and sale of food. Ensuring that these programs and regulations are as effective and efficient as possible involves responding to the challenges posed by a changing environment of government fiscal restraint, a more competitive global marketplace and technological advancements.

To respond to the changing environment, the FPIB has been implementing its business alignment plan. Under the plan, the first priority is to uphold Canada's excellent reputation for a safe and high quality food supply and to control animal and plant pests and diseases that can have an economic impact. At the same time, costs to the taxpayer must be reduced and industry must be helped to find ways to keep input costs down, so it can offer the best quality products at the best price. To achieve these goals, the branch has been consulting with clients on a strategy that combines cost-avoidance, cost-reduction and cost recovery initiatives. This includes redesigning government inspection programs to ensure their efficient and cost-effective delivery; examining alternative service arrangements, such as accreditation and privatization; and sharing the costs of services in a fair and equitable way with the companies and individuals who benefit from them.

Cost avoidance: To concentrate resources on food safety activities, FPIB is placing emphasis on privatizing its quality assurance functions. For example, the government continues to work with the red meat industry to develop plans to privatize grading in that sector.

Cost reduction: As well as implementing inspection and quarantine program efficiencies, Agriculture and Agri-Food Canada has developed various agreements with provinces to avoid duplicating inspection services. The federal government is also examining the feasibility of implementing a single food inspection system that would incorporate the work of all federal departments involved in food inspection. Going one step further, federal agencies are also working closely with provinces and territories to develop a harmonized food inspection system for Canada.

Cost recovery: FPIB has recovered costs for some of the services it provides for several years. In late April and early May 1995, regulations implementing new cost recovery initiatives for other inspection and quarantine services were enacted. These new regulations covered services provided under the animal health, plant protection, meat inspection and seed potato programs. The department is consulting with the users of other services with the aim of implementing cost recovery arrangements across all sectors. Cost recovery is also expected to establish a market-type mechanism to help assess which inspection activities unrelated to health and safety should continue and which should be reduced or eliminated. The FPIB is also consulting with clients on developing service standards that will clarify the levels, quality and costs of service that they can expect.

The **Policy Branch** works to create a policy environment that improves the sector's ability to compete and adapt to change, and to deliver income stabilization and adaptation programs consistent with these goals.

The **Canadian Grain Commission** continues to pursue various regulatory initiatives designed to give additional flexibility to licensees, in response to changes in the grain-handling industry. It will strive to establish regulations that contribute to industry efficiency and allow for continued development and diversification of the industry. It will try to eliminate or reduce regulation where producers and the industry view this to be in their collective interest and are willing to accept more responsibility.

The **Market and Industry Services Branch's** objective is to help the Canadian agri-food industry maintain and enhance its productivity, global competitiveness and marketability to increase the sector's share of both the domestic and international markets. To achieve this objective the branch, among other activities, ensures that policies and regulations reflect industry needs and perspectives.

The **Canadian Wheat Board (CWB)** continues to market wheat and barley in Canada and internationally on behalf of western Canadian producers. To reflect market conditions and returns to grain producers more accurately, the CWB issues a government-guaranteed initial payment.

Initiatives for 1996

Agr/96-1-I

Inedible Rendering Establishment Registration Regulations - New

Rendering, the process of separating animal fats and oils from animal byproduct tissues, presently falls within the partial jurisdiction of federal authorities: the *Feeds Act* (which regulates end products as feed ingredients), the *Health of Animals Act* (which provides controls, as byproduct materials may carry contagious diseases if improperly processed), and the *Meat Inspection Act* (which provides controls relating to the origin of the raw materials). These regulations primarily address pre-manufacturing conditions and post-sale monitoring of rendered products manufactured or imported for sale in Canada.

The proposed regulations will provide authority to register inedible rendering establishments and to require that inedible renderers establish appropriate process controls to help prevent the contamination of rendered product with materials hazardous to animal and human health.

This initiative will broaden the regulatory authority respecting inedible renderers and is in line with current departmental policy. This is a joint initiative of the government and industry.

Legal authority: *Canada Agricultural Products Act*

Contact: S. Toluoso, Feed Program Officer, Plant Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9.
Tel.: (613) 952-8000; Fax: (613) 992-5219;
Internet: stoluoso@em.agr.ca

Agr/96-2 -I

Medicated Feed Establishment Registration Regulations - New

The proposed regulations will provide authority to register medicated feed preparation establishments and to require production controls and safeguards that help prevent the contamination of feed with medications hazardous to animal and human health and to food safety. They will apply to commercial and farm-based operations.

This initiative is in line with current departmental policy and fulfills obligations under the North American Free Trade Agreement to modify inspection procedures so that they are equivalent to those used in the U.S. It should be cost efficient. At present, the *Feeds Act* and Regulations primarily address the pre-sale evaluation and post-sale monitoring of feeds, but do not provide authority for process regulations.

The department has consulted extensively with the feed industry has taken place over several years. Consultation with on-farm producers is beginning.

Legal authority: *Canada Agricultural Products Act*

Contact: S. Toluoso, Feed Program Officer, Plant Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9.
Tel.: (613) 952-8000; Fax: (613) 952-5987;
Internet: stoluoso@em.agr.ca

Agr/96-3-L

Egg Regulations - Packing and Marking

The Egg Regulations establish the national grade standards for shell eggs, and provide the packing and marking requirements for eggs graded with Canada grade names. To facilitate shell egg marketing, as well as to strengthen certain health and safety provisions, the department is proposing the following changes. Trays made of molded pulp must be new when used to segregate Canada A or B eggs. Plastic trays may be reused, provided they are cleaned and sanitized prior to reuse. Cartons used to pack eggs must continue to be new. Registered egg stations will be able to grade and pack eggs for other registered egg stations. The minimum weight for small and medium-sized Canada A eggs will not change, but the current upper weight limit will be removed so that the industry may overgrade when appropriate. Hatching eggs will not be eligible for grading unless the department gives specific permission. Canada Nest Run grade eggs, which must presently be sent for further processing,

will be allowed to be conveyed to another registered egg station for regrading.

Costs associated with the proposal are low. The primary cost to industry will be for ensuring that plastic trays are washed and sanitized prior to reuse. Consumers will benefit from enhanced food safety protection as well as the occasional availability of overgraded eggs. Industry will benefit through increased competitiveness as well as the possibility for improved strategic collaboration between egg stations through the contract grading and packing of eggs for other stations. The department will continue to consult the national associations representing egg producers and egg grading stations on this proposal.

Legal authority: *Canada Agricultural Products Act*, section 32

Contact: Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 998-0958.

Agr/96-4-I

Health of Animals Regulations - Alternative Program Delivery

This is an omnibus amendment to the Health of Animals Regulations. It will contain several changes required to implement the recommendations of the National Animal Health Program Redesign. The changes are required to implement the commitment to industry to minimize costs by adopting alternative methods of delivering the program. Some changes to the Regulations will also be made as a result of recommendations from the regulatory review.

The amendment will remove the requirement to issue veterinary biologic permits on a calendar-year basis; deregulate low-risk animal products; reduce the regulatory controls on semen and embryos; and remove the requirement to seal meat lockers on ships entering the Great Lakes. Changes to the regulations required by the current humane transportation review may be included. The Regulations will be amended to reflect the proposed increased use of accredited veterinarians.

The regulatory review recommended changes to the brucellosis and tuberculosis eradication programs relating to testing and movement controls on captive wild ungulates. The changes will simplify and update the sections dealing with eradicating bovine

brucellosis and tuberculosis (73 to 78.27). Changes will also be made to the sections that deal with livestock dealers; record-keeping; cleaning and disinfecting things exposed to disease (sections 104 to 109), and feeding garbage to animals (sections 111 to 113). The list of reportable diseases will be amended to ensure it reflects our international obligations and current conditions.

The Food Production and Inspection Branch program review and the departmental regulatory review initiated these amendments.

Legal authority: *Health of Animals Act*, S.C. 1990, chapter 21

Contact: Dr. Claude Lavigne, Deputy Director, Animal Health Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 993-4336.

Agr/96-5-I

Livestock and Poultry Carcass Grading Regulations - Privatization

The Livestock and Poultry Carcass Grading Regulations establish the national grade standards for beef, hog, veal, ovine, bison and poultry carcasses. Whereas poultry carcass grading is the responsibility of industry, livestock carcasses may only be graded by a "grader," who is normally a federal employee. In 1994, the Food Production and Inspection Branch (FPIB) consulted with the major national associations on cost recovery for livestock carcass grading. It was agreed that fees would be increased for fiscal year 1995-96, then the delivery component of livestock grading would be privatized, effective April 1996. The department has increased the fees. This initiative deals with the second phase of privatization.

The FPIB and industry representatives have formed separate privatization committees for beef, hogs and veal grading programs. These committees will be recommending the regulatory changes needed to privatize the grading programs. The beef committee is proposing a federally accredited beef grading system that will be delivered by an industry grading agency. The hog committee is recommending that joint producer/packer agencies assume the grading and monitoring role in Quebec, Ontario, Saskatchewan and Alberta in April 1996. The remaining provinces, which will rely on federal grading for an additional transitional year, will follow in 1997. The hog committee is also intending to incorporate the national

standards for hog grading into an industry document and to repeal the provisions of the Regulations.

This initiative permits privatization while also allowing federal graders to continue grading in those regions or establishments for an additional transitional period. The Food Production and Inspection Branch will provide its grading or monitoring services be on a full cost recovery basis. Fees for federal grading in fiscal year 1995-96, before privatization, will cost industry an estimated \$3.5 million.

Legal authority: *Canada Agricultural Products Act*, section 32

Contact: Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 998-0958.

Agr/96-6-L

Livestock and Poultry Carcass Grading Regulations - Veal Standards

The Livestock and Poultry Carcass Grading Regulations establish national grade standards for veal carcasses and the marking requirements for graded product. The Regulations also differentiate between veal and beef by setting a maximum weight of 150 kg (hide off) for a veal carcass, and by specifying this same weight as the minimum for a beef carcass. It has been proposed that the maximum permissible weight for veal be increased to reflect current management practices of marketing a heavier product. There is also a concern that heavy veal is currently subject to a significant economic penalty if it must be identified and marketed as beef.

This initiative increases the maximum weight in the definition of "veal" from 150 to 190 kg (hide off) or 205 kg (hide on), and introduces a maximum carcass weight of 182 kg (hide on) as a grade criteria for graded veal carcasses. This amendment will allow heavier veal carcasses to be graded, and allow even heavier carcasses to be marketed as ungraded veal rather than as ungraded beef. Carcass muscling requirements for the Canada A and Canada B grades will be modified slightly, and grade stamping for the heavier graded veal carcasses will be optional.

Most veal grading occurs in Quebec, whereas the greatest concern about the current maximum veal weights comes from the Ontario industry. The department has consulted with the Ontario and

Quebec veal producer and packer sectors to arrive at a proposal that appears acceptable to all parties. This initiative involves no additional costs to industry, and benefits producers and packers who wish to market heavier veal, either in graded or ungraded form.

Legal authority: *Canada Agricultural Products Act*, section 32

Contact: Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 998-0958.

Agr/96-7-L

Processed Products Regulations

These regulations are being rewritten following the 1992 federal regulatory review. This proposal is intended to make the changes identified by the regulatory review and recommended by the National Horticultural Committee.

These amendments will result in grade, composition and container standards that reflect current and anticipated processing and marketing requirements. The department has kept interested parties informed about this initiative through the national industry association, the Food Institute of Canada.

Legal authority: *Canada Agricultural Products Act*, section 32

Contact: Don Crosby, Chief of Legislation, Dairy, Fruit and Vegetable Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 993-8511.

Agr/96-8-L

Special Crops Regulations

A task force composed of special crops producers and processors was established to review the appropriateness of the provisions of the *Canada Grain Act* and Regulations that apply to handlers and marketers of special crops. The task force was asked to determine what changes to current statutory provisions would be necessary to meet the specific needs of the special crops industry. This sector of the grain industry is growing in importance and evolving rapidly. The task force considered the following alternatives: the status quo; amendments to the *Canada Grain Act*; and regulations pursuant to a

completely new piece of legislation. They recommended amendments to the *Canada Grain Act* that related primarily to the licensing of buyers and the establishment of a security program to protect producer deliveries.

The Canadian Grain Commission (CGC) has struck an advisory committee of stakeholders, composed primarily of producers and representatives of the major pulse growers organizations, to develop final recommendations regarding changes to the *Canada Grain Act* that will be submitted to the Minister for his consideration. After the legislative proposals have been submitted and approved, the CGC will propose regulatory amendments.

Legal authority: *Canada Grain Act*, subsection 116(1)

Contact: Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, Suite 600, 303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel.: (204) 983-3081; Fax: (204) 983-2751.

Agr/R-9-I

Canada Grain Regulations - Fees of the Commission

The Canadian Grain Commission (CGC) must pay for the bulk of its costs through fees charged for services provided to the grain industry, such as inspection, weighing and documentation of grain. Each year, the CGC reviews its fees, which are prescribed in Schedule I of the *Canada Grain Regulations*. Fees may be adjusted, with federal government approval, to meet the requirement for full cost recovery. It is expected that fees will be adjusted during 1996 to reflect operational and cost changes.

Since April 1, 1995, the CGC has been operating under a revolving fund, as opposed to appropriation funding. The CGC may now retain revenues collected from service fees instead of passing them back to the federal government. It may use excess revenues from one year to offset deficits in another year. However, if revenues do not cover costs (e.g., in those years of low grain production and handling), the CGC may draw funds from a \$12-million line of credit, but it will be charged interest. Under appropriation funding, shortfalls are to be covered by Canadian taxpayers.

The CGC still receives appropriation funding for 50 per cent of the CGC's Grain Research Laboratory (for services related to overall food safety and to scientific research and development), supervision of the Winnipeg Commodity Exchange and provision of Assistant Commission services.

Legal authority: *Canada Grain Act*, paragraph 116(i)(r)

Contact: Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, Suite 600, 303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel.: (204) 983-3081; Fax: (204) 983-2751.

Agr/R-10-I

Canada Grain Regulations - Grades

Various grain grades will be amended following regular extensive consultations with all sectors of the industry, including domestic and export buyers, and review by the Eastern and Western Standards committees (composed of producers, handlers, processors, exporters and representatives of the Canadian Grain Commission (CGC) and the Canadian Wheat Board (CWB)). It is still too early to predict what changes will be made. Specific grade changes will be finalized as crop and marketing requirements evolve.

These changes are expected to facilitate the marketing and handling of Canadian grain and thereby improve producers' returns. Changes are needed to respond to the demands of buyers and end users and to ensure that Canadian grain grades respond to marketing and competitive pressures.

No additional costs for handlers or the CGC are anticipated at the present time.

The CGC and the grain industry will initiate these changes.

Legal authority: *Canada Grain Act*, subsection 16(1)

Contact: Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, Suite 600, 303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel.: (204) 983-3081; Fax: (204) 983-2751.

Agr/R-11-L

Canadian Wheat Board Regulations - Initial Payments

This regulatory initiative establishes initial payments for the base grade in each of the four pool accounts under the jurisdiction of the Canadian Wheat Board (CWB). The four pool accounts are: wheat, amber durum wheat, barley and designated barley. These initial payments are fixed annually by regulation. The Government of Canada guarantees initial payments received by producers upon delivery of wheat and barley to the CWB.

Initial payments determine the level of payment received by producers upon the delivery of grain into the primary or terminal elevator. The level of initial payments will affect the income of western Canadian grain producers. These initial payments are fixed in relation to anticipated market returns. They represent guaranteed floor prices for producer deliveries of wheat and barley to the CWB during the crop year. After the pool accounts have been closed, any balances remaining in the individual pool accounts, after expenses have been deducted, from revenue CWB has received from grain sales, are distributed to producers as final payments.

Establishing initial payments annually will more accurately reflect market conditions and returns to grain producers. The Government of Canada is required to cover any deficit in a pool account. This initiative will reduce the risk of a deficit occurring.

Legal authority: *Canadian Wheat Board Act*, subparagraph 32(1)(b)(i) and subsection 47(2)

Contact: Victor Jarjour, Director, Grains and Oilseeds Division, International Markets Bureau, Market and Industry Services Branch, Agriculture and Agri-Food Canada, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5. Tel.: (613) 995-9554; Fax: (613) 943-1905.

Agr/R-12-L

Pari-Mutuel Betting Supervision Regulations - Drug Schedule Additions

Amendment of the drug schedule is a standing proposal in the *Federal Regulatory Plan*. The Canadian Pari-Mutuel Agency, in fulfilling its mandate to regulate all matters related to pari-mutuel betting on horse racing, maintains a schedule of prohibited substances, traces of which must not be detected in a post-race urine or blood sample obtained from a horse.

Health Canada approves new veterinary drugs for sale in Canada for therapeutic use in animals. Some veterinary drugs can influence a racing horse's performance, and when they come onto the Canadian market, they are added to the schedule to the Pari-Mutuel Betting Supervision Regulations.

The Agency routinely consults with the government/industry Drug Advisory Committee, composed of equine veterinarians and racing chemists, when a drug is added to the schedule.

There are no additional costs to the racing industry, the Agency or the department, since the number of samples analyzed remains the same. Maintaining an

up-to-date schedule protects the betting public and the credibility of the Agency's drug control program.

Legal authority: *Criminal Code*, section 204

Contact: Elizabeth Cleghorn, Executive Director, Canadian Pari-Mutuel Agency, Agriculture and Agri-Food Canada, P.O. Box 5904, Station F, Ottawa, Ontario, K2C 3X7. Tel.: (613) 998-4922; Fax: (613) 952-7466.

Agr/R-13-I

Dairy Producers Regulations - Protection for the Income

In 1986, Cabinet approved the long-term dairy policy authorizing direct subsidies on all domestic production to producers of industrial milk and cream. When this policy expired in 1991, Cabinet extended the provision for subsidies until a longer term policy is developed.

Regulations provide for the authority to transfer funds related to income protection for milk producers to the Canadian Dairy Commission. Regulations are established on an annual basis. Without these regulations, the funding of the direct subsidy portion of the dairy program, approved by government, would contravene the government's commitment to the dairy industry.

Legal authority: *Farm Income Protection Act*, section 18(1)(b)

Contact: Richard Tudor Price, Marketing Policy Division, Policy Branch, Agriculture and Agri-Food Canada, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5. Tel.: (613) 759-7354; Fax: (613) 759-7239.

Agr/95-1-M

Cost-Sharing Arrangements

- Dairy Products Regulations
- Egg Regulations
- Feeds Regulations
- Fertilizers Regulations
- Fresh Fruit and Vegetable Regulations
- Hatchery Regulations
- Health of Animals Regulations
- Honey Regulations
- Licensing and Arbitration Regulations
- Livestock Carcass Grading Regulations
- Maple Products Regulations
- Meat Inspection Regulations
- Plant Protection Regulations
- Processed Products Regulations

• Seeds Regulations

The Food Production and Inspection Branch (FPIB) is committed to moving existing program approaches towards one that uses market forces to determine the value of each service to industry and industry's need for each service. This initiative reflects the business directions for inspection and regulatory services outlined in the FPIB business plan and the recommendations of the 1992 departmental regulatory review, which includes cost sharing. The Auditor General's report produced in the fall of 1994 reaffirmed the need for much wider use of cost-sharing initiatives that reflect the degree of private benefit derived from a service. FPIB must carry out business in new ways to maintain the integrity of Canada's food inspection and regulatory system.

FPIB's business alignment plan (BAP) evolved from the new business directions set out in the Branch's business plan, which holds that clients who directly benefit from inspection services should share the costs of providing these services. Existing and planned cost-sharing arrangements depend on market demand for FPIB services. Continuing to generate revenue through cost-sharing mechanisms will help the Branch offset future resource reductions, so that it can adequately maintain the level of inspection and regulatory services required to ensure health, safety and international trade. This action is consistent with the direction Canada's major trading partners are taking. They have already introduced cost-sharing mechanisms for many regulatory activities.

FPIB has a long history of sharing the cost of delivering its programs with clients who benefit directly from inspection services. The Canadian Pari-Mutuel Agency fully recovers its costs. In 1994-95, FPIB collected \$12.5 million in service fees, or 5.3 per cent of total branch costs.

Along with cost-sharing mechanisms, the government is also considering redesigning programs to make use of new technologies, streamlining government operations, and establishing alternative service delivery arrangements including joint program delivery, accreditation of outside agencies and privatization. Program policies and procedures for similar functional activities will be made more uniform.

As a result of announcements made in the 1993, 1994 and 1995 federal budgets, FPIB must implement the BAP if it is to successfully address resource reductions of \$38 million for 1995-96. The amount of these reductions will increase annually, to total more than

\$70.3 million by 1998. Since industries differ, FPIB will proceed with a flexible approach. FPIB will continue to negotiate separately with each sector to assess how best to meet the needs of industry while meeting government's obligations to the public. Through a special "vote netting" provision granted by Treasury Board, all revenue from FPIB's services will be credited back to programs so that they can be maintained according to the standards agreed to by each sector.

FPIB is changing the way it does business. However, any changes implemented respect the FPIB principles of maintaining standards for health and safety and disease control, meeting international trade obligations, reducing costs to taxpayers, keeping industry on the forefront of technology and allowing industry to remain competitive by providing a level playing field.

To address both future program policies and potential cost-sharing approaches, FPIB is assessing its activities along six functional lines: registration, overtime, label review, certification, grading and laboratories. Regulatory changes pursued through the BAP that are already in place include changes affecting red meat grading, red meat inspection, poultry grading, poultry inspection, animal health, plant health and seed potatoes. Consultation will take place in 1996 with respect to the following FPIB programs: meat hygiene (red meat and poultry), animal and plant health, fresh and processed fruits and vegetables, maple products, honey, hatchery, seeds, egg and processed egg, dairy, feeds and fertilizers.

Legal authority: Cost-sharing mechanisms will be implemented under the appropriate regulations listed above or under the jurisdiction of the *Financial Administration Act*

Contact: Wayne Morris, Director, Operations Policy Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5219.

Agr/95-2-M

Seeds Regulations, Part II - Seed Potatoes

In addition to the cost recovery fees in the Seeds Regulations amendment of April 25, 1995, charges will be levied on growers who use the services of Agriculture and Agri-Food Canada (AAFC) to test seed potatoes for Bacterial Ring Rot (BRR). This is the only new cost recovery measure proposed for the 1996 season.

Nuclear stock, the basic disease-free material upon which the seed potato certification system is built, will be defined as a class. Tuber standards, inspection and other conditions for seed certification will apply to nuclear stock as they apply to all classes. The criteria for producing nuclear stock, outlined in existing policies, can now be incorporated into the Seeds Regulations. In the future, costs can be recovered for inspecting and certifying nuclear stock.

BRR is a serious disease of potatoes. At present, all seed potato lots must be tested for the disease, except seed lots of the Pre-Elite class, produced for the growers' use. Because BRR is rarely found in the highest classes and is only occasionally found in lower classes, some classes will become exempt from this annual mandatory testing. In the absence of cost recovery for laboratory testing, this will result in a saving for the government. When fees are introduced, this will result in a limited cost increase to growers. A minimum level of testing is being negotiated with stakeholders.

Currently, the Regulations state that BRR testing involves only collecting and testing harvested tubers. The Regulations will now include BRR testing of stems during the growing season. This early testing for BRR will help growers make decisions concerning the timing of harvest and the marketing of their crop.

Because our import requirements have been changed to ensure that seed potatoes are tested by the exporting country before we import them, we will no longer require post-entry testing by an AAFC official. In the course of regular certification activities, the department will continue to monitor imported seed potato lots to ensure that they have been properly tested before planting.

These regulatory changes will provide some flexibility in the production of seed potatoes and will encourage fiscal responsibility. The cost of producing seed potatoes will increase and a price difference between seed potatoes and non-certified potatoes may develop. This would be an advantage to the dedicated seed potato producer.

Legal authority: *Seeds Act*; Seeds Regulations, Part II

Contact: R. Bast-Tjeerde, Head, National Potato Bureau, Plant Protection Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 991-9105.

Agr/95-5-1

Food and Drug Regulations - Initiatives Resulting from the Regulatory Review

In 1993, Health Canada and the Food Division of the former Consumer and Corporate Affairs Canada (CCAC) initiated a joint review of the Food and Drug Regulations to discover ways to use government resources effectively; to reduce costs to government, industry and consumers; to examine the ratio of costs to benefits of the Regulations; and to ensure the Regulations do not make industry less competitive. The primary focuses of the review were health and safety, consumer protection and ways to minimize adverse affects on Canadian competitiveness (and to enhance competitiveness, where possible). With the June 25, 1993 government reorganization, responsibility for the provisions for labelling food under the authority of the Food and Drug Regulations was transferred from CCAC to Agriculture and Agri-Food Canada.

Agriculture and Agri-Food Canada will propose amendments to the Food and Drug Regulations to reflect the outcome of the review relating to the economic fraud provisions. These amendments will include changes related to the packaging, labelling, advertising and sale of food in the following areas: revocation of obsolete regulations; amendments to ingredient labelling related to exemptions to and content of the ingredient list (allergen labelling, processing aids, components, common names), durable life date, common names for foods, legibility of information, and country of origin for wine and brandy; and various other miscellaneous mandatory and optional labelling requirements.

The review identified areas where consumer information must be maintained or enhanced. In these areas, the benefits will surpass the potential costs to industry or consumers. The amendments will reduce the health, safety and fraud risk resulting from a lack of information on food labels.

Legal authority: *Food and Drugs Act*, section 30

Contact: Gerry F. Reasbeck, Director, Food Division, Food Inspection Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000, ext. 3795; Fax: (613) 952-7387.

Agr/95-6-L

Dairy Products Regulatory Review

This initiative will rationalize and consolidate the standards for various kinds of cheese and for ice cream and other frozen dairy products. These changes were introduced during consultations under the 1992 federal regulatory review and are supported by the National Dairy Council and the Dairy Farmers of Canada. This proposal will make the changes identified by the regulatory review.

These amendments will simplify the Regulations by removing unnecessary product classifications that now exist for processed cheese products and frozen dairy products, and permit a more uniform, simplified product nomenclature. As a result, industry may be more willing to develop new products and consumers may be offered a wider variety of products under a more uniform product nomenclature.

Legal authority: *Canada Agricultural Products Act*, section 32

Contact: Don Crosby, Chief of Legislation, Dairy, Fruit and Vegetable Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 993-8511.

Agr/95-7-L

Fresh Fruit and Vegetable Regulatory Review

The intent of the current initiative is to:

- revoke provisions that have become obsolete as a result of new business arrangements that the department has negotiated with the industry;
- update definitions;
- make administrative changes to the application and the health and safety parts;
- introduce regulations respecting grade names as federal trademarks;
- establish requirements for the use of grade names and remedies when produce fails to meet grade;
- deregulate labelling requirements for wholesale containers;
- harmonize import, export and interprovincial trade provisions with GATT; and
- remove non-essential health and safety requirements for registered produce warehouses.

These amendments would eliminate non-productive regulatory requirements (packaging, labelling, inspection and warehouse requirements), allowing the

industry to compete with fewer constraints in the marketplace and with fewer and better regulations. This may result in some cost savings and lower consumer prices. The amendments would also harmonize Canada's regulations with international agreements (i.e., CUSTA), which could encourage greater participation in the Canadian produce industry by both domestic and foreign producers and make it less likely that other countries would challenge Canadian standards as being non-tariff trade barriers.

Legal authority: *Canada Agricultural Products Act*, section 32

Contact: Don Crosby, Chief of Legislation, Dairy, Fruit and Vegetable Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 993-8511.

Agr/95-13-I

Administrative Monetary Penalty System Regulations

The Food Production and Inspection Branch is proposing to introduce the *Agriculture Administrative Monetary Penalty Act*. The Act and its regulations will allow the branch to propose monetary penalties up to \$15,000 for non-compliance with branch regulations. This system will help the Branch respond to industry requests for more equitable enforcement of regulations, particularly between imported and domestic products.

The Regulations will outline the administrative monetary penalty system's procedures and proceedings, including the penalty matrices that officials will use to calculate monetary penalties, the procedure for entering into compliance agreements, and the options available to alleged contravenors.

The department will hold consultations with industry associations. Stakeholders will also be made aware of the department's plans through a notice in the *Canada Gazette*.

The system will cost approximately \$600,000 per year to implement and will generate revenues of approximately \$320,000. The system will increase compliance with regulations, will help create a level playing field for regulated parties, and will be a further step toward decriminalization of regulation violations.

These regulations are a recommendation from the regulatory review, and are a departmental initiative.

Legal authority: *Agriculture Administrative Monetary Penalty Act* (proposed)

Contact: Reg Gatenby, Chief, Crisis Management and Legislation, Regulatory Affairs Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 995-8464.

Agr/95-16-I

Field Testing Notification - Clarification

The *Feeds Act* provides legislative authority to regulate the manufacture, sale and importation into Canada of livestock feeds. In anticipation of increased production of feeds using various biotechnology techniques, the associated regulations will be amended to clarify a mandatory notification procedure for such products that are to be tested in a contained or uncontained environment before they are cleared and/or registered as livestock feeds.

The proposed change will benefit all parties researching new products by clarifying the notification process.

Legal authority: *Feeds Act*, section 5

Contact: S. Tolusso, Regulatory Officer, Plant Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5219.

Agr/95-25-L

Food and Drug Regulations - Fat Content of Ground Meat

Under the Food and Drug Regulations, standards have been prescribed for regular, medium and lean ground beef at 30 per cent, 23 per cent and 17 per cent fat content respectively. The Meat Inspection Regulations, 1990, however, provide for regular, medium, lean or extra-lean ground meat products, at maximum fat contents of 30 per cent, 23 per cent, 17 per cent and 10 per cent respectively. Amendments are proposed to the Food and Drug Regulations that will revise and extend the present ground beef regulations to apply to all species of meat and will establish a category for "extra lean," thus providing uniformity of application of common names based on

maximum fat contents for all species, at all levels of trade.

This benefit will surpass any potential costs to industry by reducing the fraud risk resulting from a lack of information on the food label. As these regulations will simply modify the common names currently being used to describe ground meat products, no additional costs are expected.

Legal authority: *Food and Drugs Act*, section 30

Contact: Gerry F. Reasbeck, Director, Food Division, Food Inspection Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000, ext. 3795; Fax: (613) 952 7387.

Agr/95-29-L

Plant Breeders' Rights Regulations - Amendment

Schedule I to the Plant Breeders' Rights Regulations will be amended to include all categories of plants – excluding algae, bacteria and fungi – as eligible for protection.

To date, new categories eligible for protection have been added on a priority basis. The highest priority categories are now covered. Opening up the legislation to include all categories will eliminate the need for continuous amendments to the Regulations, while providing for the protection of all plant species. This will increase the availability of all plant species in the Canadian market.

The Plant Breeders' Rights Office (PBRO) of Agriculture and Agri-Food Canada operates on a cost recovery basis. The addition of new categories eligible for protection will increase the number of applications accepted and result in an increase in the total revenue the PBRO collects. The amendment will not require new resources from government.

The Plant Breeders' Rights Advisory Committee, composed of representatives of major national agricultural and horticultural organizations, has recommended this amendment.

Legal authority: *Plant Breeders' Rights Act*, 1990, S.C. chapter 20, subsection 4(1)

Contact: G. Hansen, Director, Plant Products Division, Plant Industry Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5219.

Agr/94-6-L

Terms and Conditions for the Use of "Canada" Grade Names

Under the *Canada Agricultural Products Act*, every agricultural product legend and every grade name is a national trademark. The exclusive property in the trademark and, subject to the Act, the right to use the trademark are vested in Her Majesty in right of Canada. The Act also provides that the Governor in Council may make regulations prescribing terms and conditions governing the application of and the right to use grade names such as "Canada No. 1" on agricultural products.

The intent of this initiative is to establish for dairy products, fresh fruits and vegetables, honey, maple products, and processed fruit and vegetables, under their respective regulations, uniform terms and conditions under which a person may use federal grade names in respect of these products, including provisions for licensing such users. This proposal will preserve the integrity of the "Canada" grade names as a marketing tool in interprovincial and export trade. These new regulations, initiated by Agriculture and Agri-Food Canada, will make it easier to enforce the grade-marking provisions and will promote the high-quality image of agricultural products marked with a "Canada" grade. This should promote the sale of Canadian-graded products in both domestic and export markets and enhance the competitiveness of Canadian producers.

Legal authority: *Canada Agricultural Products Act*, section 32

Contact: Don Crosby, Chief of Legislation, Dairy, Fruit and Vegetable Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 993-8511.

Agr/94-12-L

Feeds Regulations - General Revisions

Additions, modifications or deletions to the Feeds Regulations are required on a routine basis. This amendment will carry out a number of general and editorial revisions to the Feeds Regulations, including some amendments recommended as a result of the 1992 departmental regulatory review. The Regulations will be amended to clarify definitions, standards and labelling requirements; make editorial amendments; and update schedules to the Regulations.

These amendments are necessary to keep the Regulations current. They will benefit feed manufacturers, as they respond to concerns regarding the uniformity of regulations.

These changes will not increase requirements for government resources. Furthermore, there will be no increase in the regulatory or financial burden on industry.

Legal authority: Feeds Regulations, 1983

Contact: D. Gordon, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 952-5987.

Agr/94-14-L

Fertilizers Regulations - Standards and Labelling Requirement Revisions

In addition to labelling requirements, the Fertilizers Regulations contain standards relating to the composition and quality of fertilizers and supplements imported or domestically manufactured for sale in Canada.

This initiative proposes several minor and editorial amendments to existing standards and labelling requirements to make the Regulations more current with market conditions. These revisions will enhance the protection of consumers against fraud provided by these regulations, and improve the ability of Agriculture and Agri-Food Canada to enforce these regulations.

Legal authority: *Fertilizers Act*, section 5

Contact: S. Toluoso, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5219.

Agr/94-15-I

Fertilizers Regulations - Permit Procedure Clarification

The *Fertilizers Act* provides legislative authority to regulate the sale and importation into Canada of fertilizers and supplements. In anticipation of increased production of supplements using various biotechnology techniques, the associated regulations will be amended to clarify a notification procedure for such supplements. Manufacturers of unregistered

supplements will be required to notify Agriculture and Agri-Food Canada before testing them under uncontained (field) conditions so that potential risks to plant, animal and human health and to the environment can be assessed.

The proposed change will benefit all parties researching new products by clarifying the notification process.

It will increase requirements for government resources, and there will be no increase in the financial or regulatory burden on industry.

Legal authority: *Fertilizers Act*, section 5

Contact: S. Tolusso, Regulatory Officer, Plant Products Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5219.

Agr/94-20-1

Health of Animals Regulations - Veterinary Biologics

The amendment will require anyone who wishes to test a veterinary biologic made by the use of genetic engineering outside an establishment registered for testing veterinary biologics under the Health of Animals Regulations to notify the department and obtain a permit. The amendment will also address the requirements for field testing of those veterinary biologics and will provide adequate provisions for notification and assessment of safety.

The government initiated the regulatory review amendments.

Legal authority: *Health of Animals Act*, S.C. 1990, chapter 21

Contact: Dr. M. Sethi, Veterinary Biologics and Biotechnology Section, Animal Health Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 952-8884.

Agr/94-44-1

Seeds Regulations - Authorization of Field Testing

The Seeds Regulations govern the testing, inspection, quality and sale of seed in Canada.

The relatively recent development of plant varieties using the tools of biotechnology has raised the possibility that varieties may pose a risk to the health of humans, animals or the environment. These amendments would provide a mechanism, based on a scientific, internationally accepted model of risk/value, for evaluating plants with novel traits before they are released into the open environment.

Such a regime would confirm that new seed products are being properly evaluated before being widely distributed. This should assure citizens, the seed industry and our international trading partners that established standards will be met. This regime should encourage innovation in the seed industry, make new products available, and enhance sustainable agricultural and environmental practices. The cost of subjecting varieties to a risk/value determination will be relatively minor compared to the potential value of the products themselves. It is proposed that developers of new varieties should bear the full cost of this evaluation. This is a government initiative undertaken to minimize any risk to the public and the environment from modified varieties.

Legal authority: *Seeds Act*

Contact: Simon Barber, Chief, Plant Biotechnology Office, Plant Products Division, Plant Industry Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 992-5219.

Agr/92-51-1

Farm Improvement and Marketing Co-operative Loans Regulations - Amendments

The *Farm Improvement and Marketing Co-operatives Loans Act* (FIMCLA) was enacted in June 1987 and replaced the *Farm Improvement Loans Act* on February 1, 1988. The FIMCLA is designed to increase the availability of loans for the improvement and development of farms and for the processing, distribution or marketing of farm products by co-operative associations. After several years of operation, it has become apparent that certain sections of the Regulations will have to be deleted or amended to clarify the Act and Regulations, and to make them easier to implement.

Some lenders have expressed concern about the ambiguity of certain sections of the legislation and the related regulations, and about the maximum interest

rate allowable for fixed-rate loans. Other amendments have been suggested by the Standing Joint Committee for the Scrutiny of Regulations and by program managers.

These amendments should clarify the intent of certain guidelines to be followed by lenders, and increase farmer use of the FIMCLA.

Legal authority: Bill C-78, section 15

Contact: Phil Jensen, Legislated Marketing Programs Division, Market and Industry Services Branch, Agriculture and Agri-Food Canada, 2200 Walkley Road, Ottawa, Ontario, K1A 0C5. Tel.: (613) 957-7078; Fax: (613) 996-2240.

Future initiatives

Agricultural Products Marketing Act - Various Orders

The *Agricultural Products Marketing Act* extends federal authority to provincial marketing boards and agencies in the areas of interprovincial and export trade and levy authority, where such powers relating to intraprovincial marketing are provided to these same boards and agencies under provincial legislation. The delegated authority permits the marketing boards and agencies to regulate the interprovincial and export trade of their commodity to the same extent that they regulate its marketing within their province under provincial regulations. This act makes it easier to market agricultural commodities outside of the province in which they are produced. There are currently 154 orders under the Act. Approximately 6 new orders and 20 amendments are forecast for 1996.

The delegation of authority to the marketing boards strengthens marketing systems and contributes to increased organization in the marketing of agricultural products, in both interprovincial and export trade. Producers, who are members of the boards, benefit through higher and more stable net incomes. Consumers benefit through improvements in product quality and availability.

Classification: Intermediate-cost initiative

Contact: Dan McDonald, National Farms Products Council, Martel Building, 13th Floor, 270 Albert Street, Ottawa, Ontario, K1P 6L4. Tel.: (613) 995-6752; Fax: (613) 995-2097.

Dairy Products Pasteurization Standards

The Canadian Milk Quality Standards Committee, a joint committee of Agriculture and Agri-Food Canada, Health Canada, the provincial departments of agriculture and the National Dairy Council, working under the auspices of the National Liaison Group on Milk Product Quality, identified a need for comprehensive, uniform, minimum standards for pasteurizers and pasteurization. The Dairy Products Regulations will be amended to include a reference to these new standards.

The intent of this proposal is to prescribe uniform national pasteurization standards for dairy products that are in harmony with provincial standards. It will create regulatory uniformity, which will facilitate compliance, and make it easier to enforce health and safety standards. This initiative is supported by the provincial departments of agriculture. No additional costs are foreseen. Information about this proposal will be published in an Agri-Food information letter, which will be sent to interested parties. This initiative appeared in the 1992 *Federal Regulatory Plan* as AGR-4.

Classification: Low-cost initiative

Contact: Don Crosby, Chief of Legislation, Dairy, Fruit and Vegetable Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 993-8511.

Grain Futures Regulations

The regulatory review, which the federal government initiated in February 1992, asked Agriculture and Agri-Food Canada to revise the regulations the department administers. This included the *Grain Futures Act* (GFA) of 1939, which is administered by the Canadian Grain Commission (CGC), and provides for the supervision of trading in grain futures contracts on the Winnipeg Commodity Exchange (WCE). In response, the CGC reviewed the GFA. This review recommended that the GFA, which has never been revised, be rewritten to reflect the many changes in grain trading practices over the past 50 years.

The CGC is preparing a discussion paper encompassing the major elements of a new GFA. The paper will be circulated for comment. After consulting with the industry, the CGC will finalize recommendations to the Minister. Legislation will provide for regulation of the WCE, its clearing house and related support organizations, and will adhere to international standards for regulating commodity

futures trading. Regulatory amendments will flow from these statutory changes.

Classification: Intermediate-cost initiative

Contact: Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, Suite 600, 303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel.: (204) 983-3081; Fax: (204) 983-2751.

Health of Animals Regulations - Foreign Animal Disease

The department is reviewing its policies and regulations that would be used in the event of an outbreak of a disease. The *Health of Animals Act* gives the Minister of Agriculture and Agri-Food Canada the authority to take measures to eliminate, control or prevent the spread of diseases or toxic substances. These measures would be more intrusive than the normal steps taken to control a disease that already exists in Canada. They could include prohibiting the sale or movement of animals and animal products in the area in which an outbreak has been declared to exist. Movements of people and vehicles could also be controlled, where necessary, to prevent the spread of disease.

The diseases that would be controlled under these provisions are those that would have a severe economic impact on animal agriculture, or that can be transmitted from animals to humans. The controls would be put in place for outbreaks of diseases such as foot and mouth disease, hog cholera and Newcastle disease.

Classification: Intermediate-cost initiative

Contact: Dr. André Doré, Program Chief, Foreign Animal Disease, Animal Health Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 990-6543.

Health of Animals Regulations - Reportable/Notifiable Diseases

The current list of reportable diseases will be reviewed to bring it in line with Agriculture and Agri-Food Canada's current disease policy. The department will consider developing a separate list of notifiable diseases to satisfy our international trading partners. Information will be collected on the incidence of notifiable diseases in Canada, but there will be no control or eradication programs for those diseases.

The department will consult laboratories, industry groups and provincial governments to ensure that any regulation that is adopted is appropriate and that information will be collected as efficiently as possible.

Classification: Low-cost initiative

Contact: Dr. Claude Lavigne, Deputy Director, Animal Health Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 993-4336.

Health of Animals Regulations - Transportation of Animals

The department is reviewing its role in enforcing regulations regarding the humane transportation of animals to determine the most effective method of delivering the program. The regulatory review recommended this review.

The department is holding discussions with a wide body of outside agencies and non-governmental organizations to determine the role of the provinces and private organizations in the program.

Classification: Low-cost initiative

Contact: Dr. Gordon Doonan, Special Projects Officer, Animal Health Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 998-4385.

Pari-Mutuel Betting Supervision Regulations - Equine Drug Control

Drugs and medication administered to race horses could affect the outcome of a pari-mutuel race. To continue to protect the wagering public against such fraudulent practices, the Canadian Pari-Mutuel Agency intends to update and clarify standards for providing equine drug control services, and to update the information contained in the schedule of prohibited drugs.

The amendment will involve non-substantive and non-controversial changes to Part V, Control of Drugs, of the Pari-Mutuel Betting Supervision Regulations, and to the schedule to the Regulations. Alternatives under review are incorporation by reference of standards established outside the department, and the use of standards established by the Minister of Agriculture and Agri-Food. The text and tables will be edited to clarify the intent of the Regulations, to delete

self-regulating clauses and to provide the racing industry with more information.

The Agency will consult mainly with officials of the provincial racing commissions, who regulate the conduct of racing and whose rules reflect the content of the *Pari-Mutuel Betting Supervision Regulations*. Other stakeholders will be made aware of proposals for regulatory changes through notices in the *Canada Gazette*.

Classification: Intermediate-cost initiative

Contact: Adrienne Stevenson, Director, Analytical Services, Canadian Pari-Mutuel Agency, Agriculture and Agri-Food Canada, P.O. Box 5904, Station F, Ottawa, Ontario, K2C 3X7. Tel.: (613) 998-4922; Fax: (613) 952-7466.

Pari-Mutuel Betting Supervision Regulations - Pari-Mutuel Betting Operations

In response to the many changes occurring within the racing industry, the Agency is examining several provisions in the *Pari-Mutuel Betting Supervision Regulations*. Regulations pertaining to pari-mutuel betting operations that are found to be obsolete or unenforceable may be revoked or become policy.

Regulatory issues to be reviewed include, but are not limited to, the following: levy collection, shortages and overages, horsemen's agreements, home market areas, the 80-km restriction, the 12-race limit, order of finish, entries, interactive betting and telephone account betting.

The Agency will consult with Criminal Law Policy (Justice), provincial racing commissions, racing associations and horsemen's organizations.

Classification: Low-cost initiative

Contact: Elizabeth Cleghorn, Executive Director, Canadian Pari-Mutuel Agency, Agriculture and Agri-Food Canada, P.O. Box 5904, Station F, Ottawa, Ontario, K2C 3X7. Tel.: (613) 998-4922; Fax: (613) 952-7466.

Licensing and Arbitration Regulations - Revision

The current Licensing and Arbitration Regulations were established in 1984 and were updated in 1989 pursuant to the *Canada Agricultural Products Act* of 1988. Government and industry have reviewed two aspects of these regulations: the terms and conditions under which licenses may be issued, and the

operations of the Board of Arbitration. This proposal will make the changes identified by the regulatory review.

These amendments will make regulation of the produce industry and operation of the Board of Arbitration in dispute settlement more effective. The department anticipates that the revised regulations will result in additional costs. Funding arrangements will be implemented. Interested parties have been kept informed about this initiative through the national industry associations: the Canadian Horticultural Council and the Canadian Produce Marketing Association. This initiative appeared in the 1990 *Federal Regulatory Plan* as AGR-32.

Classification: Intermediate-cost initiative

Contact: Don Crosby, Chief of Legislation, Dairy, Fruit and Vegetable Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000; Fax: (613) 993-8511.

Food and Drug Regulations - Routine Food Labelling/Advertising Amendments

This proposal covers a range of routine submissions requesting amendments to the Food and Drug Regulations respecting the labelling or advertising requirements for food. It will amend typographical, spelling, translation, numbering and other inconsistencies inadvertently introduced into the Regulations. It will also address potential harmonization of the Food and Drug Regulations with other regulations. Consultation will occur as required.

Classification: Low-cost initiative

Contact: Gerry F. Reasbeck, Director, Food Division, Food Inspection Directorate, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-8000 (3795); Fax: (613) 952-7387; Internet: greasbeck@em.agr.ca

Trade Marks Act Regulations - Geographical Indications for Wines and Spirits

As part of the legislative amendments implementing Canada's commitments under the Agreement on Trade Related Intellectual Property Rights (TRIPs) of the World Trade Organization (WTO), new provisions in the *Trade Marks Act* (TMA) will allow for the registration of geographical indications for wines and spirits. These will give interested parties the means to

prevent the use of geographical indications on wines and spirits that do not originate in the place indicated by the geographical indications.

Subject to a possible order-in-council designating the Minister of Agriculture and Agri-Food as the Minister responsible under section 11 of the TMA, the department may become responsible for this section of the Act. It requires relevant information associated with each geographical indication to be included on the list of geographical indications to be kept pursuant to the Act. The list of geographical indications, along with the relevant information, are to be published in the *Canada Gazette*.

As part of these responsibilities, the department would consult with WTO members, industry, provinces and other federal departments to develop the list of geographical indications and compile the relevant information. Consultations with the registrar of trade marks are ongoing to determine whether the department would also consider evidence and representations associated with objections proceedings.

Classification: Low-cost initiative

Contact: Denis Landreville, Senior Trade Policy Analyst, Multilateral Trade Policy Division, International Trade Policy Directorate, Markets and Industry Services Branch, Agriculture and Agri-Food Canada, Sir John Carling Building, Ottawa, Ontario, K1A 0C5. Tel.: (613) 759-7669; Fax: (613) 759-7503.

Content

Initiatives for 1996

Canadian Cultural Property Export Control
List - Amendment.....22

National Battlefields Park By-law -
Amendments.....22

National Historic Parks Order -
Amendments.....21

National Parks Building Regulations -
Amendments.....22

National Parks Fishing Regulations -
Amendments.....23

National Parks Highway Traffic
Regulations - Amendments21

National Parks Lease and Licence of
Occupation Regulations - Amendments22

National Parks Wildlife Regulations -
Amendments.....23

Parks Canada Fees - Deregulation21

Regulations Applicable to Communities in
National Parks - Amendments23

Regulations Relating to the Proclamation of
Gros Morne National Park.....23

Town of Jasper Zoning Regulations - Parking
Authority21

Future initiatives

Act Respecting the National Battlefields at
Quebec25

Governor in Council Powers - Amendments.....24

Protection of Federal Heritage Buildings by
Statutory Means - Enhancement.....24

Regulation on the Quality of Service
provided by Exclusive Agents to their
Clients24

Statutory Protection for National Historic
Sites - Enhancement.....24

General information

Roles and responsibilities

Every generation has a responsibility to preserve and build on what those before it have created so that future generations will have access to the heritage that has made Canada the distinctive nation that it is and will continue to be. Drawing on Canada’s cultural and natural heritage, the objectives of Canadian Heritage are the following:

- supporting the full participation of all members of Canadian society and promoting among Canadians their knowledge, understanding and appreciation of Canada, its human and natural history, regional diversity, culture, traditions, values, symbols, institutions and distinct identity;
- supporting opportunities to increase the appreciation and use of both official languages, working to eliminate racism and other forms of discrimination and barriers to participation, increasing knowledge, appreciation and enjoyment of human rights and fundamental freedoms, and ensuring compliance with Canada’s domestic and international human rights obligations;
- developing and maintaining an amateur sport system that provides opportunities to all athletes and sport participants and ensures that those with talent and dedication achieve at the highest international level;
- supporting cultural creative expression through the development of Canadian cultural industries and organizations representing the performing, literary and visual arts, and promoting public access to, and appreciation of, cultural expression; and
- providing the means to commemorate, protect and present both directly and indirectly, places that are significant examples of Canada’s cultural and natural heritage in ways that encourage public understanding, appreciation and enjoyment, and long-term ecological and commemorative integrity.

Four sectors within Canadian Heritage are charged with carrying out the above activities.

The Canadian Identity Sector is responsible for those activities intended to enhance a sense of identity and belonging among Canadians. These include programs that help build a better understanding of Canada and pride in being Canadian; promoting linguistic duality,

cultural diversity, and participation of Aboriginal peoples in the social, cultural, political and economic issues affecting their lives in Canadian society; and encouraging excellence and affiliation through sport and participation in major games.

The Cultural Development and Heritage Programs Sector is responsible for promoting artistic development in Canada, increasing public access to Canada's heritage and assisting in the preservation of this heritage. This responsibility includes stimulating access to Canadian arts and heritage products and services, as well as encouraging public participation in related cultural activities. This sector also provides support to arts and heritage organizations and to the broadcasting and cultural industries. In fulfilling its mandate, the sector works closely with federal arts, heritage and broadcasting agencies, including the National Film Board, the Canada Council, the National Arts Centre, Telefilm Canada, Canada's national museums, the Canadian Broadcasting Corporation and the Canadian Radio-television and Telecommunications Commission.

The Parks Canada Sector plays a lead role in federal activities related to the formal recognition of persons, places and events of national historic importance, and places representative of Canada's natural and human heritage. In some cases, these heritage activities entail direct responsibility for the management (including both protection and presentation) of federal lands and their associated resources. This is the case for national parks, aspects of marine conservation areas, and a number of national historic sites. In other cases, activities are focused on formal designations by the Government of Canada and, as mandated, on support for the preservation and interpretation of designated heritage properties that are managed by others. These include all heritage railway stations, most federal heritage buildings, most Canadian heritage rivers, and many national historic sites.

The Corporate Services Sector integrates all the corporate service functions, including finance and corporate coordination. In addition to providing executive direction and a range of centralized services to the Department, this sector is responsible for strategic planning, policy coordination, intergovernmental relations and communications activities, as well as information management and administration.

Legislative mandate

- *Act to Incorporate the Jules and Paul-Émile Léger Foundation*
- *Broadcasting Act*
- *Canada Council Act*
- *Canadian Film Development Corporation Act*
- *Canadian Heritage Language Institute Act* (not yet proclaimed)
- *Canadian Multiculturalism Act*
- *Canadian Race Relations Foundation Act* (not yet proclaimed)
- *Canadian Radio-television and Telecommunications Commission Act*
- *Constitution Act, 1867*
- *Constitution Act, 1982*
- *Corrupt Practices Inquiries Act*
- *Cultural Property Export and Import Act*
- *Department of Canadian Heritage Act* (not yet proclaimed)
- *Department of Communications Act*
- *Department of Multiculturalism and Citizenship Act*
- *Department of State Act*
- *Department of Transport Act, 1970 (Canals)*
- *Disfranchising Act*
- *Dominion Controverted Elections Act*
- *Dominion Water Power Act*
- *Financial Administration Act*
- *Fitness and Amateur Sport Act*
- *Heritage Railway Stations Protection Act*
- *Historic Sites and Monuments Act*
- *Holidays Act*
- *Laurier House Act*
- *Manitoba Act, 1870*
- *Mingan Archipelago National Park Act*
- *Museums Act*
- *National Anthem Act*
- *National Archives of Canada Act*
- *National Arts Centre Act*
- *National Battlefields at Quebec Act*
- *National Capital Act*
- *National Film Act*
- *National Flag of Canada Manufacturing Standards Act*
- *National Library Act*
- *National Parks Act*
- *National Symbol of Canada Act*
- *Official Languages Act, Part VII (Advancement of English and French)*
- *Public Service Employment Act*
- *Social Sciences and Humanities Research Council Act*

Initiatives for 1996

HER/96-1-L

National Parks Highway Traffic Regulations - Amendments

Policies on the application of fees for the operation of motor vehicles in national parks have been reviewed. Currently, fees apply to certain motor vehicles, such as automobiles, vans, motorcycles and chartered buses, in some national parks. Although these fees have been deregulated and applied on a contractual basis, the regulatory provisions pertaining to the park motor licence in the National Parks Highway Traffic Regulations will be deleted and fees on a per person basis will be applied in the national parks in 1996. Canadian Heritage is also developing amendments to improve controls on the use of over-snow vehicles within the parks. Regulations respecting vehicle registration, licensing of drivers and vehicle insurance requirements in accordance with provincial standards are needed where the operation of these vehicles is permitted in the parks. Some provisions of the Regulations pertaining to moving and parking infractions may be repealed to allow provincial legislation to apply in the national parks situated in certain provinces.

This initiative includes the previous HER/95-8-N-L that appeared in the 1995 *Federal Regulatory Plan*.

Legal authority: *National Parks Act*

Contact: Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

HER/96-2-L

Parks Canada Fees - Deregulation

Parks Canada has developed a fee-setting process that respects the principles of fairness and openness. The Parks Canada fee-setting process allows for fees to be applied in a market-sensitive manner. Parks Canada began the revocation of camping and other recreational fees in 1994. A number of amendments will be required to further deregulate fees applicable in the national parks. Fees for fishing permits, business licences, domestic animal licences, timber permits and grazing permits, for example, will be deleted from respective regulations. An omnibus general amendment order to amend a number of regulations through one statutory instrument will be effected.

This initiative includes the previous HER-13 that appeared in the 1994 *Federal Regulatory Plan*.

Legal authority: *National Parks Act*

Contact: Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

HER/96-3-I

Town of Jasper Zoning Regulations - Parking Authority

The Town of Jasper Zoning Regulations will be amended to establish a parking authority for the Town. The Regulations will allow the park superintendent to establish a partnership-based parking authority that would be responsible for managing and controlling off-street motor vehicle parking within the Town. The current regulations require that, before any new structures are built or expanded, on-site parking spaces must be provided in accordance with the Regulations. As this places limits on potential development options, especially in the Town's business district, the Regulations will be amended to permit the establishment of a parking authority to provide and manage alternate off-street parking spaces. Owners and occupants will fund the administration of the parking authority and the variance of on-site parking requirements will be reflected in land tenure agreements.

Legal authority: *National Parks Act*

Contact: Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

HER/R-4-L

National Historic Parks Order - Amendments

As part of the National Historic Sites Directorate's ongoing responsibilities, there may be submissions made in 1996 to set aside national historic sites under the Minister's authority in accordance with Part II of the *National Parks Act*, so that regulations under that Act may apply, and to change headings and descriptions for those lands already set aside. Submissions will be put forward when title is acquired and/or the survey work is complete. There are no costs to the visitor associated with these initiatives. Local communities generally benefit economically

from the establishment of national historic sites (parks) in their area. A further benefit is the increased protection of the cultural and natural heritage resources located in these places.

Legal authority: *National Parks Act*

Contact: Rosemarie Bray, Chief, Legislation and Government Relations, National Historic Sites Directorate, Parks Canada, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 997-4045; Fax: (819) 953-6146.

HER/96-5-L

Canadian Cultural Property Export Control List - Amendment

The Canadian Cultural Property Export Control List is established by the *Cultural Property Export and Import Act*. The Control List defines the categories and age and value limits of cultural property for which a Cultural Property Export Permit is required. Generally, cultural property that is greater than 50 years old and made by a person who is no longer living is subject to export control. Although technical amendments were made to the Control List in 1994, at the request of Parliament's Standing Joint Committee for the Scrutiny of Regulations, using the Miscellaneous Regulatory Amendments submission, the Control List has not been systematically reviewed or amended since 1986. The proposed amendments will be drafted after consultation with the museum, archive and library communities, as well as collectors, dealers and law enforcement officials. These amendments will involve revisions to the types of cultural property that are subject to export control, as well as changes to the minimum monetary values of cultural property requiring an export permit.

Legal authority: *Cultural Property Export and Import Act*

Contact: David A. Walden, Director, Movable Cultural Property, Heritage Branch, Canadian Heritage, Journal Tower South, 12th Floor, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 990-4163; Fax: (613) 954-8826.

HER/96-6-L

National Battlefields Park By-law - Amendments

Amendments to the National Battlefields Park By-law will allow the practice of certain sports that have become highly popular, such as roller blading, and

will ease certain other restrictions on the Park. This project has no cost implications. It is a response to grassroots public pressures.

Legal authority: *National Battlefields at Quebec Act*

Contact: Louise Germain, Assistant Secretary, National Battlefields Commission, 390 de Bernières Avenue, Quebec, Quebec, G1R 2L7. Tel.: (418) 648-7289; Fax: (418) 648-3638.

EC/93-26-I

National Parks Building Regulations - Amendments

Amendments to the National Parks Building Regulations will strengthen the control of construction in national parks. The Regulations were initially intended to regulate all construction activities in the parks. However, the Regulations provide only for the construction of buildings and do not cover improvements to property such as decks and fences. In addition, provisions to enable the setting out of terms and conditions in building permits and the suspension or cancellation of building permits will be specified to strengthen and modernize the Regulations. The Department will also add provisions respecting the powers of inspection of premises during and after construction of buildings and other structures in the parks.

Legal authority: *National Parks Act*

Contact: Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

HER/95-6-I

National Parks Lease and Licence of Occupation Regulations - Amendments

Amendments to the National Parks Lease and Licence of Occupation Regulations are required to address the provisions that control residency in the national parks. Weaknesses have been identified in the Regulations' need-to-reside clauses. These amendments are intended to clarify the administration of the Regulations.

Legal authority: *National Parks Act*

Contact: Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

HER/95-7-L

Regulations Applicable to Communities in National Parks - Amendments

A number of municipal-like regulations apply to communities situated in national parks. The National Parks Garbage Regulations, for example, apply to the collection and disposal of garbage in the parks. The National Parks Water and Sewer Regulations provide for the control and administration of residents' water and sewer services. The National Parks Signs Regulations apply to the installation of commercial signs. The costs associated with providing municipal services to residents and businesses in the park communities are currently being reviewed. In order to effect more modern and efficient cost recovery practices, amendments to the various regulations will be required to set out updated mechanisms.

Legal authority: *National Parks Act*

Contact: Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

HER/95-9-L

National Parks Wildlife Regulations - Amendments

Canadian Heritage is developing amendments to the National Parks Wildlife Regulations respecting the transportation and storage of firearms in the parks. The current provisions covering the transportation and storage of firearms, particularly rifles, have come under question and should be brought into line with the requirements of the *Criminal Code*. The National Parks Wildlife Regulations will also be renamed the National Parks Fauna Regulations to reflect precisely the legislative authority of the *National Parks Act* for making regulations for the protection of fauna. The term fauna is preferable as its context and scope extend beyond the meaning of the term wildlife.

Legal authority: *National Parks Act*

Contact: Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

HER/94-7-L

National Parks Fishing Regulations - Amendments

Amendments to the National Parks Fishing Regulations will make routine adjustments to quotas and open seasons. The Regulations may be extended to newly proclaimed national parks, if required. Other amendments will be established to control fishing in the marine portion of Forillon National Park and the commercial and recreational harvesting of clams in Kouchibouguac National Park. The amendments to the Regulations will permit improved management of the fish resources in the parks.

Legal authority: *National Parks Act*

Contact: Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

EC/91-269-L

Regulations Relating to the Proclamation of Gros Morne National Park

When Gros Morne National Park in Newfoundland is proclaimed, Canadian Heritage will amend or establish various regulations to accord with the terms of the federal-provincial agreement relating to the creation of the national park. Specifically, it will amend the National Parks General Regulations to allow local persons to remove sand and gravel for construction purposes, other than commercial construction. The Department will establish Gros Morne Snowshoe Hare Domestic Harvest Regulations, in accordance with the park management plan, to allow for the harvest of snowshoe hares by local residents for domestic purposes. Gros Morne Timber Harvest Regulations will be brought into effect, in accordance with the park management plan, to provide for the cutting and removal of timber in the park by local residents. Canadian Heritage will revoke the current Gros Morne Forestry Timber Harvest Regulations, which were made under the authority of the *Forest Development and Research Act*, and amend the current National Parks Timber Regulations to reflect the special circumstances of Gros Morne National Park. These amendments and new regulations are required to meet the terms of the federal-provincial agreement which assures the continuation of certain traditional practices by local residents of the park.

Legal authority: *National Parks Act*

Contact: Gerard Doré, Chief, Legislation and Regulations, National Parks, Canadian Heritage, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 953-7831; Fax: (819) 994-5140.

Future initiatives

Statutory Protection for National Historic Sites - Enhancement

In the Guiding Principles and Operational Policies, the Minister of Canadian Heritage has committed Parks Canada to reviewing the *Historic Sites and Monuments Act* with a view to expanding this legislative protection to national historic sites owned by other federal departments and agencies, or affected by their actions. Building on extensive public consultation in support of the new policies and based on the concept of commemorative integrity, efforts will be focused on establishing a regulatory regime for all national historic sites administered by Parks Canada, and on regulating the protection of national historic sites under federal jurisdiction not administered by Parks Canada.

Discussions with other federal departments and federally regulated agencies will be initiated.

Classification: Intermediate-cost initiative

Contact: Rosemarie Bray, Chief, Legislation and Government Relations, National Historic Sites Directorate, Parks Canada, Canadian Heritage, 5th Floor, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 997-4045; Fax: (819) 953-6146.

Protection of Federal Heritage Buildings by Statutory Means - Enhancement

Since 1982, the federal government has been committed to the protection of the heritage value of Crown-owned buildings used for program delivery. A Federal Heritage Buildings Review Office located in Parks Canada has been charged with the coordination of the Policy on Federal Heritage Buildings. The experience of the Federal Heritage Buildings Review Office over the last 13 years has indicated certain gaps in the policy: non-applicability to Crown corporations; non-applicability to Crown-owned structures (such as bridges and dams) which may have heritage value; and lack of regulatory authority. All of these can be overcome by giving the policy a statutory base. Parks Canada will investigate the legislative option for a strengthened Federal Heritage Buildings program.

Classification: Intermediate-cost initiative

Contact: Terry Smythe, Chief, Federal Heritage Buildings Review Office, Policy, Legislation and Government Relations, National Historic Sites Directorate, Parks Canada, Canadian Heritage, 5th Floor, Jules Léger Building, 25 Eddy Street, Hull, Quebec, K1A 0H3. Tel.: (819) 997-6965; Fax: (819) 953-6146.

Governor in Council Powers - Amendments

In December 1994, the Government announced that legislation to amend the *Copyright Act* will be tabled in the House of Commons in 1995 to strike a fair balance between the need to ensure that creators receive adequate compensation and the need to provide users with reasonable access to works. The *Copyright Act* provides the framework in which the rights of creators are defined. The Governor in Council may, by this reform, be given the regulatory power to issue general criteria, directives, and instructions to the Copyright Board.

Classification: Low-cost initiative

Contact: Judy Alexander, Director, Copyright Policy and Economic Planning, Canadian Heritage, Journal Tower South, 15th Floor, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 990-4222; Fax: (613) 952-5312.

Regulation on the Quality of Service provided by Exclusive Agents to their Clients

In December 1994, the Government announced that legislation to amend the *Copyright Act* would be tabled in the House of Commons in 1995. As announced in 1992, this legislation will provide namely exclusive agents in the book industry with the tools they need to ensure that their exclusive distribution contracts are respected, with the provision that they provide adequate service to their clientele. The notion of "adequate service" would be set out in the Regulations. Exclusive agents and their clients would have to establish the parameters of their relationship vis-à-vis price and service. The results of those negotiations would be reflected in the Regulations under the *Copyright Act*. This amendment would make it possible to strengthen the infrastructure of the Canadian book distribution system which is essential to the promotion and dissemination of Canadian books. Bookstores and libraries would thus benefit in the long run since they would be guaranteed a consistent level of service.

Classification: Low-cost initiative

Contact: Marie-France Bégis, Chief, French Language Publishing Policy, Publishing Policy and Programs, Canadian Heritage, Journal Tower South, 15th Floor, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 990-4150; Fax: (613) 941-8975.

Act Respecting the National Battlefields at Quebec

The Department plans to repeal the 1908 *Act Respecting the National Battlefields at Quebec* and replace it with a new act which will allow the National Battlefields Commission to establish regulations governing traffic, parking and behaviour in National Battlefields Park, and to set suitable fines that could not be contested in court.

Classification: Low-cost initiative

Contact: Louise Germain, Assistant Secretary, National Battlefields Commission, 390 de Bernières Avenue, Quebec, Quebec, G1R 2L7. Tel.: (418) 648-7289; Fax: (418) 648-3638.

Citizenship and Immigration Canada

Content

Initiatives for 1996

Citizenship Regulations - Cost Recovery	27
Citizenship Regulations - General	27
Immigration Act Fees Regulations.....	27
Immigration Regulations, 1978 - Administration fees	30
Immigration Regulations, 1978 - Alternate Manner of Examining Persons Seeking to Enter Canada.....	30
Immigration Regulations, 1978 - Business Immigrant Classes	27
Immigration Regulations, 1978 - Custody of Stowaways Aboard Vessels	31
Immigration Regulations, 1978 - Definition of Fiancé(e)	29
Immigration Regulations, 1978 - Definition of Member of the Live-in Caregivers in Canada Class.....	31
Immigration Regulations, 1978 - Definition of Spouse	29
Immigration Regulations, 1978 - Determining whether a Child is a Member of an Inadmissible Class.....	29
Immigration Regulations, 1978 - Employment Authorization Exemption	28
Immigration Regulations, 1978 - Family Class.....	28
Immigration Regulations, 1978 - Members of a Crew.....	30
Immigration Regulations, 1978 - Pending Criminal Charges.....	30
Immigration Regulations, 1978 - Parent/ Guardian Consent to Intercountry Adoption	28
Immigration Regulations, 1978 - Prescription of U.S.A. as Complying with Article 33 of the United Nations Convention Relating to the Status of Refugees (Convention).....	31

Immigration Regulations, 1978 - Provincial Nominee Designated Class	32
Immigration Regulations, 1978 - Visitor Visa Requirements	27
Refugee Resettlement from Abroad Class Regulations and Private Sponsorship Provisions.....	32

General information

Roles and responsibilities

Citizenship and Immigration Canada was established in recognition of the significance of immigration in Canada and the links between the immigration function, the citizenship courts and programs to promote citizenship.

The Department consolidates under one minister the following immigration responsibilities: processing of immigration applications overseas and in Canada; visa requirements and refugee matters; enforcement; setting of immigration levels and selection criteria; settlement policies and programs; and federal-provincial relations on immigration matters. The department also manages the services, programs and processes necessary for citizenship registration.

The Minister has responsibility for the Immigration and Refugee Board.

Legislative mandate

The Department of Citizenship and Immigration administers the following legislation:

Statutes

- *Citizenship Act*
- *Department of Citizenship and Immigration Act*
- *Immigration Act*

Regulations

- *Citizenship Regulations, 1993*
- *Immigration Act Fees Regulations*
- *Immigration Regulations, 1978*
- *Indochinese Designated Class Regulations*
- *Indochinese Designated Class (Transitional) Regulations*
- *Political Prisoners and Oppressed Persons Designated Class Regulations*

- Refugee Claimants Designated Class Regulations
- Self-Exiled Persons Class Regulations

Initiatives for 1996

CIC/95-3-M

Immigration Regulations, 1978 - Business Immigrant Classes

The Department will make changes to the Business Immigration Program in 1996. To help the program contribute to Canada's economic growth and productivity, new regulations will be implemented. A new single definition of "business immigrant" will replace the current definitions of "self-employed," "entrepreneur" and "investor." In addition, a new approach to using selection criteria will be implemented.

Legal authority: *Immigration Act*, section 114

Contact: John Martin, Director, Business Immigration Division, Immigrant, Visitor and Refugee Programs Branch, Citizenship and Immigration Canada, Place de Ville, 17th Floor, 320 Queen Street, Ottawa, Ontario, K1A 1L1. Tel.: (613) 941-9009; Fax: (613) 941-9014.

CIC/95-4-I

Citizenship Regulations - General

A new *Citizenship Act* is intended to be introduced in Parliament sometime during the current session. If this occurs, new regulations, which are essentially procedural in nature, will be required to provide administrative support for the new *Citizenship Act*.

Legal authority: *Citizenship Act*, section 27

Contact: Richard Nolan, Registrar of Canadian Citizenship, Citizenship Registration and Promotion Branch, Citizenship and Immigration Canada, Ottawa, Ontario, K1A 1L1. Tel.: (819) 994-5749; Fax: (819) 997-2224.

CIC/R-1-M

Citizenship Regulations - Cost Recovery

This regulatory initiative is intended to adjust the existing fees for services chargeable under the Citizenship Registration and Promotion Program. Existing fees may be subject to a general adjustment. On November 1, 1992, citizenship fees were subject to a general fee increase. In addition, the fee for grant of citizenship was increased again on April 1, 1993. On

February 28, 1995, citizenship fees were subject to a general fee increase and the right of citizenship fee was introduced.

The Department initiates cost and revenue analyses for citizenship services as circumstances warrant to ensure that the fees are appropriate, given the legislative restrictions. Fee changes are introduced based on the results of these analyses.

Legal authority: *Citizenship Act*, section 27; *Financial Administration Act*, sections 19 and 19.1

Contact: Anne Sinclair, Director, Financial Planning, Analysis and Reporting Division, Corporate Management Sector, Citizenship and Immigration Canada, Place du Portage, Phase IV, 6th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 953-2784; Fax: (819) 953-0382.

CIC/R-2-M

Immigration Act Fees Regulations

This regulatory initiative is intended to adjust the existing fees for services chargeable under the Immigration Program. Existing fees may be subject to a general adjustment.

In June 1994, existing fees for most immigration services were increased and fees were introduced for two services that had previously been provided free of charge. Cost-recovery fee exemptions were also amended and clarified. On February 28, 1995, the right of landing fee was introduced.

The Department initiates cost and revenue analyses for immigration services as circumstances warrant to ensure that fees are appropriate, given the legislative restrictions. Fee changes are introduced based on the results of these analyses.

Legal authority: *Immigration Act*, section 114; *Financial Administration Act*, sections 19 and 19(1)

Contact: Anne Sinclair, Director, Financial Planning, Analysis and Reporting Division, Corporate Management Sector, Citizenship and Immigration Canada, Place du Portage, Phase IV, 6th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 953-2784; Fax: (819) 953-0382.

CIC/R-3-L

Immigration Regulations, 1978 - Visitor Visa Requirements

Subsection 9(1) of the *Immigration Act* requires every visitor, except in the cases prescribed by regulation, to

apply for and obtain a visa before appearing at a Canadian port of entry. Cases are prescribed through inclusion in Schedule II of the Immigration Regulations and exemptions are usually granted on the basis of nationality.

In the event that a serious immigration control problem involving citizens of a specific country emerges or that the fraudulent use of a specific, visa-exempt country's documents becomes a serious problem, it may be necessary to amend the Regulations to cancel the visa-exempt status of citizens of such countries. Likewise, as immigration control problems are resolved, usually following socio-political events within a specific country, or in situations where bilateral agreements require that certain categories of visitors be exempt from visa requirements, it may become necessary to add countries to Schedule II. These are ongoing initiatives.

Removals from or additions to the visa-exempt list are reactive measures to counteract abuse of the *Immigration Act* by non-genuine visitors from a specific country, or to provide for exemptions where immigration control problems are not in evidence.

Direct impact on Canadians and the Canadian economy is minimal.

Legal authority: *Immigration Act*, subsections 9(1) and 114(1)

Contact: Rod Fields, Director, Immigration Control Division, International Operations Branch, Citizenship and Immigration Canada, Place du Portage, Phase IV, 3rd Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 997-3887; Fax: (819) 994-0231.

EIC/94-18-I

Immigration Regulations, 1978 - Family Class

As part of the 10-year strategic framework, regulatory changes to the Immigration Regulations in 1996 will establish a distinction between immediate family members and extended family members. Additional changes for managing family applications will allow immediate family members, i.e., a fiancée, spouse dependant son or daughter or an adopted child, to be processed on demand without limit, and to be processed in Canada. The changes will also provide for the imposition of numerical limits on extended family members, i.e., parents and grandparents, with relief as appropriate, and introduce provisions for meaningful sponsorship arrangements.

Legal authority: *Immigration Act*, section 114

Contact: Cameron Dawson, Director, Social Policy Division, Policy and Program Development Branch, Citizenship and Immigration Canada, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 953-7041; Fax: (819) 953-8452.

CIC/95-10-I

Immigration Regulations, 1978 - Parent/Guardian Consent to Intercountry Adoption

Canada recognizes foreign adoptions that create a legal relationship of parent and child and on this basis accepts adoptees as immigrants. It is necessary to amend the Immigration Regulations to protect children and their families against illegal adoptions in cases where examinations by the local child welfare authorities do not fully determine the circumstances of an adoption or where there is a lack of parental consent. This initiative is intended to provide visa officers with authority to ask for adoption consents and to determine whether or not birth parents or guardians gave free and informed consent to the child's adoption where the country of adoption is not a party to the Hague Convention.

Legal authority: *Immigration Act*, section 114

Contact: Cameron Dawson, Director, Social Policy Division, Policy and Program Development Branch, Citizenship and Immigration Canada, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 953-7041; Fax: (819) 953-8452.

EIC/92-12-L

Immigration Regulations, 1978 - Employment Authorization Exemption

This initiative is intended to allow persons who come into Canada at the request of Canadian police forces to engage in employment without an employment authorization in order to assist in a criminal investigation.

Subsection 18(1) of the Immigration Regulations prohibits persons who are not Canadian citizens or permanent residents from working in Canada without a valid and subsisting employment authorization. Subsection 19(1) of the Regulations exempts persons who seek to come into Canada to engage in certain classes of employment from the application of subsection 18(1).

This initiative is consistent with legislated objectives to maintain and protect the safety and good order of Canadian society, and to deny the use of Canadian territory to persons who are likely to engage in criminal activity. In an average year, the Department processes 20 employment authorization exemptions. Employment opportunities for Canadians are not affected.

Legal authority: *Immigration Act*, section 114

Contact: Michel Gagné, Director, Organized Crime Division, Case Management Branch, Citizenship and Immigration Canada, Journal Tower North, 9th Floor, 300 Slater Street, Ottawa, Ontario, K1A 1L1. Tel.: (613) 957-3515; Fax: (613) 952-0694.

CIC/94-17-L

Immigration Regulations, 1978 - Determining whether a Child is a Member of an Inadmissible Class

This initiative would make it unnecessary for a visa officer to determine inadmissibility for a dependant of an applicant for an immigrant visa or for a dependant of the applicant's spouse, where that dependant is a child under the custody or guardianship of the former spouse of the applicant's spouse, or a child under the custody or guardianship of the other parent who was never married to, and is not living with, the applicant. The present regulations provide this exemption for children in the custody of a separated spouse or former spouse of the applicant only. This will simplify the examination of applicants for permanent residence because it is often difficult to examine these children, particularly when the applicant has had no contact with them for a long time.

Legal authority: *Immigration Act*, section 114

Contact: Jim May, Director, Immigrant Programs, Immigrant, Visitor and Refugee Programs Branch, Citizenship and Immigration Canada, Journal Tower North, 7th Floor, 300 Slater Street, Ottawa, Ontario, K1L 1L1. Tel.: (613) 941-9311; Fax: (613) 941-4955.

CIC/95-15-L

Immigration Regulations, 1978 - Definition of Spouse

The definition of "spouse" in the Immigration Regulations will be amended to exclude from any application for landing, a spouse where it is determined that the marriage was entered into primarily for the purpose of gaining admission to

Canada and not with the intention of residing permanently with the other spouse. Currently, this provision applies to only family class applications for landing and this anomaly has been used by persons who cannot otherwise qualify to apply for landing in Canada. This amendment will prevent such abuse and will ensure consistency in the requirements for all applications for landing.

Legal authority: *Immigration Act*, section 114

Contact: Jim May, Director, Immigrant Programs, Immigrant, Visitor and Refugee Programs Branch, Citizenship and Immigration Canada, Journal Tower North, 7th Floor, 300 Slater Street, Ottawa, Ontario, K1L 1L1. Tel.: (613) 941-9311; Fax: (613) 941-4955.

CIC/96-1-L

Immigration Regulations, 1978 - Definition of Fiancé(e)

The definition of "fiancé(e)" in the Immigration Regulations will be amended so that, for the purposes of any application for landing, it will exclude a fiancé(e) where the engagement was entered into primarily for the purpose of gaining admission to Canada.

Under the current provisions of the *Immigration Act*, there is clear authority for individuals who are already in Canada and who become engaged to a Canadian citizen or permanent resident to apply for landing as fiancé(e)s due to compassionate or humanitarian considerations. In Canada, the immigration officers have no authority to consider whether the persons became engaged primarily for the purpose of the fiancé(e) gaining admission to Canada (fiancé(e) of convenience).

However, visa officers abroad who process applications by members of the family class have the authority to look at the intent of an engagement and to refuse to issue a visa if the engagement is one of convenience. The amendment will ensure that individuals in Canada will be on equal regulatory footing and will not qualify for landing if they are "fiancé(e)s of convenience."

Legal authority: *Immigration Act*, section 114

Contact: Jim May, Director, Immigrant Programs, Immigrant, Visitor and Refugee Programs Branch, Citizenship and Immigration Canada, Journal Tower North, 7th Floor, 300 Slater Street, Ottawa, Ontario, K1L 1L1. Tel.: (613) 941-9311; Fax: (613) 941-4955.

CIC/94-20-L

Immigration Regulations, 1978 - Pending Criminal Charges

Subsection 11.41 of the Immigration Regulations authorizes the delay in finalizing applications by members of a class of immigrants referred to in section 11.2 of the Regulations if those members have committed certain criminal offences in Canada.

Under the current regulations, an applicant for a Canadian immigrant visa in a class other than those described in 11.2 would remain eligible to apply even if there were outstanding criminal charges pending in Canada. While such an applicant could be ineligible on the basis of subsection 19(1)(c.1)(ii) of the *Immigration Act* if the charges were pending outside Canada, in the case of charges pending before a Canadian court, the applicant would remain eligible and could be landed if he or she met the other requirements.

Changes to the regulations will make the requirement consistent for all immigrant applicants, regardless of the class in which they have applied.

Legal authority: *Immigration Act*, section 114

Contact: Alain Th  ault, Director, International Migration and Program Coordination Branch, Citizenship and Immigration, Place du Portage, Phase IV, 3rd Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 997-5970; Fax: (819) 994-0215.

CIC/95-18-L

Immigration Regulations, 1978 - Alternate Manner of Examining Persons Seeking to Enter Canada

In keeping with the initiatives announced by Canada and the United States on February 24, 1995, it will be necessary to amend the Regulations respecting alternate manners of examination to provide greater flexibility in administering various examination processes. It is also intended that new regulations will require persons to carry documentation regarding their enrolment in a specific alternate examination program and to present this documentation upon request when entering Canada.

Legal authority: *Immigration Act*, section 114

Contact: Tom Ryan, Director, Port of Entry Management, Enforcement Branch, Citizenship and Immigration Canada, Place de Ville, 18th Floor,

320 Queen Street, Ottawa, Ontario, K1L 1L1.
Tel.: (613) 947-6165; Fax: (613) 947-6173.

CIC/96-2-L

Immigration Regulations, 1978 - Members of a Crew

Section 12.1 of the Immigration Regulations describes classes of persons who are not members of a crew. These include certain persons who were initially admitted as members of a crew and also describes persons who do not meet the Act's legal definition of "member of a crew." These regulations must be amended to clarify the distinction between these classes of persons and to include persons who are on board or who join the vehicle while it is in Canada, in order to perform maintenance or repairs pursuant to a service contract.

Legal authority: *Immigration Act*, section 114

Contact: Brian Dougall, Manager, Port of Entry Management (Transportation), Enforcement Branch, Citizenship and Immigration Canada, Place de Ville, 16th Floor, 320 Queen Street, Ottawa, Ontario, K1L 1L1. Tel.: (613) 947-0850; Fax: (613) 947-0840.

CIC/96-3-L

Immigration Regulations, 1978 - Administration fees

Paragraphs 42.2(2)(c) and (d) of the Immigration Regulations must be amended to allow administration fees to be assessed where certain inadmissible persons at a port of entry are required to leave Canada and where the transportation company fails to provide conveyance without delay. The amendment is necessary in order to require transportation companies to provide conveyance "forthwith" to persons who are allowed to leave Canada forthwith or against whom exclusion orders are made, in order to exempt such classes of persons from inclusion in the assessment of an administration fee against that transportation company. Unless transportation companies provide such conveyance, significant administrative costs, including detention costs, may be incurred.

Legal authority: *Immigration Act*, section 114

Contact: Brian Dougall, Manager, Port of Entry Management (Transportation), Enforcement Branch, Citizenship and Immigration Canada, Place de Ville, 16th Floor, 320 Queen Street, Ottawa, Ontario, K1L 1L1. Tel.: (613) 947-0850; Fax: (613) 947-0840.

CIC/96-4-L

Immigration Regulations, 1978 - Custody of Stowaways Aboard Vessels

An amendment to paragraph 52(b) of the Immigration Regulations is necessary to ensure that the master of a vehicle continues to be responsible for holding stowaways on a ship until an immigration officer can complete the examination of the stowaway. It is also necessary to impose this same requirement on the master of a vehicle in cases where vessels pass through Canadian waters without calling at a Canadian port. In some cases, vessels travelling through the St. Lawrence Seaway to an American port have put stowaways off the ship while at anchorage or while passing through the locks. An amendment to these regulations will prohibit this practice.

Legal authority: *Immigration Act*, section 114

Contact: Brian Dougall, Manager, Port of Entry Management (Transportation), Enforcement Branch, Citizenship and Immigration Canada, Place de Ville, 16th Floor, 320 Queen Street, Ottawa, Ontario, K1L 1L1. Tel.: (613) 947-0850; Fax: (613) 947-0840.

CIC/96-5-L

Immigration Regulations, 1978 - Definition of Member of the Live-in Caregivers in Canada Class

The definition of "member of the live-in caregiver class" will be amended to exclude caregivers who choose not to apply for permanent residence under that program.

The Live-in Caregiver Program is a special program designed to bring qualified caregivers to Canada on a temporary basis when there are not enough Canadians to fill the available positions. Live-in caregivers participating in the program become eligible to apply for permanent residence in Canada after completing a minimum of two years of live-in work in a private household. They are expected to exercise that option as soon as possible after they become eligible.

A growing number of caregivers choose not to apply for permanent residence but to have their temporary status extended for as long as they can. The fact that they remain members of a prescribed class of immigrants who may apply for permanent residence while in Canada prevents immigration officers who process their applications for extension of status from considering whether these caregivers are immigrants or visitors. This is contrary to the intent of the

Immigration Act, which refers to a "visitor" as a person who is in Canada for a temporary purpose. This amendment will not prevent immigration officers from extending the temporary status and employment authorizations of live-in caregivers who have ceased to be members of the class but remain genuine visitors in Canada.

Legal authority: *Immigration Act*, section 114

Contact: Jim May, Director, Immigrant Programs, Immigrant, Visitor and Refugee Programs Branch, Citizenship and Immigration Canada, Journal Tower North, 7th Floor, 300 Slater Street, Ottawa, Ontario, K1L 1L1. Tel.: (613) 941-9311; Fax: (613) 941-4955.

CIC/96-6-L

Immigration Regulations, 1978 - Prescription of U.S.A. as Complying with Article 33 of the United Nations Convention Relating to the Status of Refugees (Convention)

The Canada - U.S. Shared Border Accord of February 1995 committed the two governments, among other things, to pursuing an agreement on sharing responsibility for asylum seekers who enter one country and subsequently claim refugee status in the other. Both governments wish to strengthen the integrity of their refugee status determination systems by discouraging "asylum shopping" across the shared border. At the same time, both countries want to identify and protect genuine refugees, as required by their obligations under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. Canada and the U.S.A. will try to conclude a responsibility-sharing memorandum of understanding (MOU), which will provide for the return and readmission of refugee claimants to the country of first arrival, where their claim to refugee status will be determined.

The MOU will provide for the implementation of these provisions at the earliest practicable time. Implementation by the Government of Canada will require the prescription of the U.S.A. as a country that complies with Article 33 of the 1951 Convention, pursuant to paragraph 114(s) of the *Immigration Act* and for the purpose of paragraph 46.01(1)(b) of the *Immigration Act*.

Legal authority: *Immigration Act*, section 114

Contact: Craig Goodes, Director, International Humanitarian and Resettlement Policy Division,

Citizenship and Immigration Canada, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 953-2408; Fax: (819) 994-2680.

CIC/96-7-L

Immigration Regulations, 1978 - Provincial Nominee Designated Class

In keeping with the 10-year strategy commitment to give provinces the opportunity to choose a number of independent immigrants who meet provincial economic objectives, a new class of immigrants will be designated.

This will allow the provinces to take a more active and flexible role in meeting their economic objectives for immigrant selection and will balance each province's needs with overall federal objectives and standards for skilled workers and business immigrants.

The provisions for selection will be specific to each province, as outlined in the relevant federal-provincial agreements.

Legal authority: *Immigration Act*, sections 6 and 114

Contact: Dougall Aucoin, Director, Economic Immigration Policy Division, Policy and Program Development Branch, Citizenship and Immigration Canada, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 953-9422; Fax: (819) 953-8452.

CIC/95-12-M

Refugee Resettlement from Abroad Class Regulations and Private Sponsorship Provisions

To respond more generously to refugees and those in refugee-like situations, a comprehensive review has been conducted to design a class to replace the current system of designated classes. At the same time, the private sponsorship provisions, by which private groups assist in refugee resettlement, have been restructured. These initiatives are the first major regulatory changes to refugee resettlement and private sponsorship since the late 1970s.

Legal authority: *Immigration Act*, sections 6 and 114

Contact: Craig Goodes, Director, International Humanitarian and Resettlement Policy Division, Citizenship and Immigration Canada, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 1L1. Tel.: (819) 953-2408; Fax: (819) 994-2680.

Content

Initiatives for 1996

Environmental Protection Service

Alice Arm Tailings Deposit Regulations -
Revocation.....36

Control of Hydrofluorocarbons (HFCs).....37

Dehydrator Emissions Regulations36

Experimental Spill Regulations.....38

Fuels Information Regulations No. 1 -
Amendment38

Gasoline Regulation - Benzene.....37

Hazardous Waste Management at Federal
Facilities38

Management of Ozone-depleting Substances
and their Alternatives
(Hydrofluorocarbons) at Federal Facilities.....35

Municipal Wastewater Effluent Regulations35

Ocean Dumping Regulations, 1988 and
Canadian Environmental Protection Act,
Part VI.....35

Ozone-Depleting Substances - Amendments
to Further Control
Hydrochlorofluorocarbons36

PCB Regulations - Amendment38

PCB Waste Management Regulations37

Pulp and Paper Effluent Regulations -
Amendments.....37

Storage Tank Systems Registration
Regulations.....37

Environmental Conservation Service

Migratory Bird Sanctuary Regulations -
Revocation: Migratory Bird Sanctuaries.....41

Migratory Birds - Annual Game Bird
Hunting39

Migratory Birds - General39

Migratory Birds Regulations - A Ban on
Lead Shot in National Wildlife Areas40

Wild Animal and Plant Protection and
Regulation of International and
Interprovincial Trade Regulations - New41

Wildlife Area Regulations - Establishment,
Transfer or Change to Boundaries of
National Wildlife Areas.....40

Canadian Environmental
Assessment Agency

Crown Corporations and Harbour
Commissions.....43

Inclusion List, Part II.....41

Minimal Federal Involvement.....43

Offshore Boards.....43

One Project-One Assessment42

Panel Procedures (formerly Procedural
Regulations).....42

Projects Outside Canada.....42

General information

Roles and responsibilities

Environment Canada’s statutory mandate is derived from the *Government Organization Act*, 1970. The Act establishes the powers and duties of the Minister of the Environment.

These include all matters over which Parliament has jurisdiction relating to preservation of the natural environment and enhancement of its quality, including water, air and soil quality; conservation of wildlife, including migratory birds and non-domestic flora and fauna; conservation of water resources and enforcement of rules and regulations arising from the advice of the International Joint Commission relating to boundary waters and questions arising between the United States and Canada relating to the preservation and enhancement of environmental quality; meteorology, and, other federal matters relating to the natural environment assigned to the Minister.

The Act also specifies the duties of the Minister in carrying out these responsibilities, including programs to promote adoption of objectives or standards relating to environmental quality and pollution control; to mitigate the adverse environmental impact

of new federal projects; and to provide Canadians with environmental information.

The Canadian Environmental Assessment Agency was created by, and derives its mandate from, the *Canadian Environmental Assessment Act*, 1995.

The objectives of the Agency are:

- to administer the environmental assessment process established under the Act;
- to promote uniformity and harmonization in environmental assessment in Canada at all levels of government;
- to promote or conduct research in environmental assessment and encourage the development of new techniques and practices; and
- to ensure an opportunity for public participation in the environmental assessment process.

The Act provides for regulations in addition to those already in existence. Those regulations currently under development are designed to ensure that the federal environmental assessment process is both efficient and harmonized with environmental assessment processes in other jurisdictions.

Legislative mandate

The following legislation is administered by the department:

- *Canada Water Act*
- *Canada Wildlife Act*
- *Canadian Environmental Protection Act*
- *Canadian Environment Week Act*
- *Department of the Environment Act*
- *Game Export Act*
- *International River Improvements Act*
- *Lac Seul Conservation Act*
- *Lake of the Woods Control Board Act*
- *Migratory Birds Convention Act*
- *National Wildlife Week Act*
- *National Round Table on the Environment and the Economy Act*
- *Resources and Technical Surveys Act*
- *Weather Modification Information Act*
- *Wild Animal and Plant Protection Act and Regulation of International and Interprovincial Trade Act* (not yet proclaimed)

The following legislation is administered by the Canadian Environment Assessment Agency:

- *Canadian Environmental Assessment Act*

Sections of legislation under the jurisdiction of other Ministers may "trigger" requirements under the

Canadian Environmental Assessment Act. For example, the requirement for certain permits (under the *Fisheries Act*, for example) may mean that an environmental assessment is required. All these legislative provisions are located in the Law List regulation. With 191 triggers in total, they are not itemized in this document; however, the Agency has published an Annotated Law List which provides a basic description of all the Law List triggers, along with their statutory references.

Administrative arrangements

The department administers sections 36 to 42 of the *Fisheries Act* on behalf of the Department of Fisheries and Oceans. These provisions contain the general prohibition against deposit of any harmful or deleterious substance into waters frequented by fish and describe regulatory authorities, inspectors' powers, ministerial powers, offences and penalties.

Further, the department has an advisory role for the administration of other legislation for which other federal departments are responsible, but where scientific technical advice on environmental impacts is required. Examples of such legislation are the *Motor Vehicle Safety Act*, the *Arctic Waters Pollution Prevention Act*, the *Northern Inland Waters Act*, the *Pest Control Products Act* and the *Transportation of Dangerous Goods Act*.

Regulatory approach

As part of a government-wide initiative beginning in 1992, Environment Canada undertook a review of its regulations to identify those regulations that significantly hinder Canadian competitiveness or impose needless costs on consumers. The review identified opportunities for streamlining, simplification and consolidation. As a result, amendments are being made to some regulations administered by the department.

To achieve progress in environmental protection and conservation, Canada is accelerating its shift to pollution prevention. Both government and the private sector are already moving away from "react and cure" solutions to "anticipate and prevent" actions in support of sustainable development.

In moving towards pollution prevention, Environment Canada is examining alternative approaches such as economic instruments. This will ensure a balanced use and combination of the tools available to effect environmental improvement.

Environment Canada has introduced the Strategic Options Process, the objective of which is to determine the most effective and efficient mechanism or combination of mechanisms to manage environmental issues, including substances assessed as toxic under the *Canadian Environmental Protection Act*. Using existing scientific, technical and socio-economic information, the process uses Issue Tables (IT) to take a multi-stakeholder approach to the review of all feasible technical options to address an environmental problem, including in-plant pollution prevention options, and all possible measures to achieve the desired objective. The initiatives listed in the 1996 *Federal Regulatory Plan* include only those programs where there is certainty that regulations will be developed, and not where a range of options are currently being reviewed.

Initiatives for 1996

Environmental Protection Service

EC/96-1-M

Municipal Wastewater Effluent Regulations

New regulations under Section 36 of the *Fisheries Act*, which would control discharges of wastewater effluent from municipalities and federal facilities, will be developed. Full consultation with stakeholders will take place.

Legal authority: *Fisheries Act*, section 36

Contact: Jim Haskill, National Office of Pollution Prevention, Environmental Protection Service, Environment Canada, 13th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-6629; Fax: (819) 994-7762.

EC/96-2-L

Ocean Dumping Regulations, 1988 and Canadian Environmental Protection Act, Part VI

The *Canadian Environmental Protection Act* (CEPA), Part VI, Ocean Dumping and the Ocean Dumping Regulations are used to control the disposal of substances at sea from ships, platforms and other structures. CEPA, Part VI is the national enabling legislation for the London Convention 1972 (LC72), which is in the process of being amended. CEPA, Part VI will need to be amended to correspond with the results of the 1996 Diplomatic Conference. Consultation with the public, industry and other

government departments on the proposed convention amendments took place in 1994 and 1995.

Canada supports the proposed amendments for:

- the inclusion of internal waters;
- definition of the precautionary approach;
- definition of marine pollution;
- a reverse listing approach along with the Waste Assessment Framework;
- prohibiting the export of wastes to other countries for sea disposal; and
- strengthening cooperation and assistance.

Legal authority: *Canadian Environmental Protection Act*, Part VI

Contacts: John Karau, Chief, Marine Environment Division, Hazardous Waste Issues Branch, Environmental Protection Service, Environment Canada, 12th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1699; Fax: (819) 953-0913.

Jim Osborne, Head, Ocean Disposal and Shellfish, Marine Environment Division, Hazardous Waste Issues Branch, Environmental Protection Service, Environment Canada, 12th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-2265; Fax: (819) 953-0913.

EC/96-3-I

Management of Ozone-depleting Substances and their Alternatives (Hydrofluorocarbons) at Federal Facilities

Canada, as a party to the Montreal Protocol on Substances that Deplete the Ozone Layer, must not only take the necessary measures to implement the requirements of this treaty, but must also support and supplement domestic measures to prevent releases to the environment. Currently, federal regulations are in place for production and import, while provinces have regulatory requirements for recovery/recycling and releases. There are no mandatory requirements that apply to federal facilities for the management of ozone-depleting substances (ODS) to prevent and eliminate emissions. The control option selected will need to ensure that federal facilities are accountable for the management of ODS. The recommended option is a regulation under Part IV of CEPA. It is intended to develop appropriate standards of performance applicable to federal operations that ensure proper management of ODS, and their fluorocarbon alternatives, to prevent and eliminate releases to the environment.

Legal authority: *Canadian Environmental Protection Act*, section 54

Contact: A. Stelzig, Chemical Industries Division, Industrial Sectors Branch, Environmental Protection Service, Environment Canada, 13th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1131; Fax: (819) 953-5595.

EC/96-4-M

Alice Arm Tailings Deposit Regulations - Revocation

As a result of the department's Regulatory Review, the above regulations will be repealed or amended after consultation with stakeholders. The regulations authorized the mine to deposit mine tailings into the bottom of Alice Arm, a fiord on the coast of British Columbia; however, the mine has been closed since 1982.

Legal authority: *Fisheries Act*, section 36

Contact: Vic Niemela, Director, Environmental Protection Branch, Pacific and Yukon Region, Environment Canada, 224 West Esplanade, North Vancouver, B.C., V7M 3H7. Tel.: (604) 666-0064; Fax: (604) 666-7463.

EC/96-5-L

Dehydrator Emissions Regulations

Benzene, a known carcinogen, has been found toxic under the *Canadian Environmental Protection Act*. Benzene emissions from natural gas dehydrators are second only to gasoline use in transportation as the largest benzene emission sources in Canada. These dehydrator emissions regulations will restrict the release of benzene from natural gas dehydrators.

Legal authority: *Canadian Environmental Protection Act*, section 34

Contacts: Barry Munson/Daniel Woo, Prairie and Northern Region, Environmental Protection, Environment Canada, 4999-98 Avenue, Edmonton, Alberta, T6B 2X3. Tel.: (403) 951-8733/(403) 951-8734; Fax: (403) 495-2615.

EC-96-6-I

Ozone-Depleting Substances - Amendments to Further Control Hydrochlorofluorocarbons (HCFCs) and Chlorofluorocarbons (CFCs)

Canada, as a party to the Montreal Protocol on Substances that Deplete the Ozone Layer, must take the necessary measures to implement the requirements of this international treaty. The Canadian government is also committed to supplementary domestic measures with regards to HCFCs.

Implementation of an HCFC substance-by-substance ban similar to the one being implemented by the United States is being considered for Canada. The costs and benefits of such a measure for Canada will be evaluated in the fall of 1995. If it is justified, the Ozone-Depleting Substances Regulations will be amended to incorporate the measure into the current controls.

Canada is also committed to limit HCFCs to uses where more acceptable alternatives do not exist. The United States has already prohibited the use of HCFCs in certain applications: aerosols, certain solvent uses and flexible foam blowing. A preliminary study estimated the costs of similar controls to have a present discounted value of \$35 million (1994 dollars) for Canada. The same study indicated that the benefits related to human health protection would be in the order of \$22 million assuming all Parties to the Montreal Protocol implement the same controls. Upon review of the study, a decision will be taken as to which use controls are feasible in Canada. The Ozone-Depleting Substances Products Regulations will be amended to incorporate these controls.

Canada is also considering prohibiting the manufacturing and importation of new products containing CFCs such as car air conditioners, refrigerators and commercial refrigeration and air conditioning equipment. Costs associated with this measure should be small as no new products containing CFCs are being manufactured or imported in developed countries starting January 1, 1996. Furthermore, the new products that replace these CFC-containing products are already available on the Canadian market. The Ozone-Depleting Substances Products Regulations would be amended to incorporate these controls.

This initiative includes the previous EC/95-11 that appeared in the 1995 *Federal Regulatory Plan*.

Legal authority: *Canadian Environmental Protection Act*, section 34

Contact: Bernard Madé, Head, Ozone Protection Programs Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 14th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 994-3249; Fax: (819) 953-4936.

EC-96-7-L

Control of Hydrofluorocarbons (HFCs)

HFCs, which are replacements to CFCs and other ozone-depleting substances, have a significant global warming potential. Options are being considered to limit HFCs uses to the replacement of ozone-depleting substances uses as a pollution prevention measure. Costs associated with this measure should be small as new uses of HFCs do not appear to have occurred on a large scale.

Legal authority: *Canadian Environmental Protection Act*, section 34

Contact: Bernard Madé, Head, Ozone Protection Programs Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 14th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 994-3249; Fax: (819) 953-4936.

EC/96-8-L

PCB Waste Management Regulations

As stated in the department's response to the recommendations arising from the Regulatory Review process, the three PCB waste regulations (Storage of PCB Materials Regulations, PCB Waste Export Regulations and Federal Mobile PCB Treatment and Destruction Regulations) will be consolidated to reduce the number of regulations, and amendments will be made to reflect current federal policy on PCB waste management.

Legal authority: *Canadian Environmental Protection Act*, sections 34, 54 and 87(2)

Contact: G. Cornwall, Director, Hazardous Waste Branch, Environmental Protection Service, Environment Canada, 12th Floor, 351 St. Joseph Blvd., Quebec, K1A 0H3. Tel.: (819) 953-1712; Fax: (819) 953-7643.

EC/96-9-I

Gasoline Regulation - Benzene

Benzene, a known carcinogen, has been found toxic under the *Canadian Environmental Protection Act*. Aromatic hydrocarbons, when burned in an internal combustion engine, produce benzene. Both of those substances are found naturally in gasoline. The largest source of benzene emissions into the atmosphere is gasoline combustion. The proposed regulation will reduce the concentration of benzene and limit the concentration of aromatics in gasoline. The cost of reducing benzene to one per cent in gasoline is estimated to be between 0.2 and 0.4 cents per litre.

Legal authority: *Canadian Environmental Protection Act*, section 34

Contact: R. White, Chief, Oil, Gas and Energy Division, Air Pollution Prevention Directorate, Environmental Protection Service, Environment Canada, 13th Floor, 351 St-Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1120; Fax: (819) 953-8903.

EC/95-3-L

Pulp and Paper Effluent Regulations - Amendments

Amendments to the Pulp and Paper Effluent Regulations under section 36 of the *Fisheries Act* were published in the *Canada Gazette* in May 1992. The Regulations will come into full effect for all mills on January 1, 1996. During the interim period, it has become clear that further relatively minor amendments should be considered to improve the clarity and uniformity of application of the Regulations.

Legal authority: *Fisheries Act*, section 36

Contact: Hugh Cook, National Office of Pollution Prevention, Environmental Protection Service, Environment Canada, 13th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-3714; Fax: (819) 994-7762.

EC/94-12-I

Storage Tank Systems Registration Regulations

In recent years, most provinces have developed regulatory instruments to prevent pollution from storage tank systems. In an effort to prevent storage tanks located on federal lands from causing environmental problems, Environment Canada has promulgated *Canadian Environmental Protection Act*,

section 53, Technical Guidelines for Storage Tank Systems for underground tanks and is proposing similar guidelines for aboveground tanks. These guidelines adopt the technical recommendations that are contained in the Canadian Council of Ministers of the Environment publications "Environmental Code of Practice for Underground Storage Tank Systems Containing Petroleum Products and Allied Petroleum Products March 1993" and "Environmental Code of Practice for Aboveground Storage Tank Systems Containing Petroleum Products."

In addition, with the concurrence of Ministers of federal government departments, Environment Canada will promulgate tank registration regulations. The purpose of the registration regulations is to enable federal departments to measure progress in managing storage tank systems according to the technical requirements of the *Canadian Environmental Protection Act*, section 53 guidelines.

Legal authority: *Canadian Environmental Protection Act*, sections 53 and 54

Contact: R. White, Industrial Sectors Branch, Environmental Protection Service, Environment Canada, 13th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1120; Fax: (819) 953-8903.

EC/94-5-L

PCB Regulations - Amendment

The PCB regulations are intended to replace the Chlorobiphenyl Regulations. They will clarify prohibitions and exemptions of PCBs in any product manufactured in, or imported into, Canada. The amendment will also specify levels at which a product can be sold, used or released to the environment.

Legal authority: *Canadian Environmental Protection Act*, section 34

Contact: L. P. Fedoruk, Head, Controls Development Section, Commercial Chemicals Evaluation Branch, Environmental Protection Service, Environment Canada, 14th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1671; Fax: (819) 953-4936.

EC/94-6-L

Hazardous Waste Management at Federal Facilities

An assessment has been carried out and the appropriate control option is being identified

concerning the requirements of on-site and off-site management of hazardous waste. The control option will be consistent with provincial regulations governing the operations of federal facilities as well as industries under federal jurisdiction. The control option is needed to ensure that federal facilities are held accountable for their management of hazardous wastes.

Legal authority: *Canadian Environmental Protection Act*, section 54

Contact: D. Campbell, Hazardous Waste Management Division, Office of Waste Management, Environmental Protection Service, Environment Canada, 12th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1119; Fax: (819) 997-3068.

EC/93-8-L

Experimental Spill Regulations

The *Fisheries Act* will be amended to permit the discharge of deleterious substances for experimental purposes. Requirements for the experiments and substances to be discharged will be included. The amendment and regulation will enable limited oil and chemical experimentation to improve countermeasures for spills.

Legal authority: *Fisheries Act*, section 36(5)

Contact: D. Thornton, Director, River Road Environmental Technology Centre, Technology Development Branch, Environmental Protection Service, Environment Canada, Ottawa, Ontario, K1A 0H3. Tel.: (613) 991-9550; Fax: (613) 998-0004.

EC/94-10-L

Fuels Information Regulations No. 1 - Amendment

The purpose of this initiative is to revoke Section 5 of the Fuels Information Regulations No. 1 (1973). This amendment would delete the requirement for information on additives in liquid fuels, which appears to generate information that serves no useful or clear purpose. Past experience has shown that the department does not need the data in all cases, but only in certain specific situations. In these instances, section 18 of the *Canadian Environmental Protection Act* can be applied to obtain the required information. This initiative would therefore reduce the burden on industry by ceasing collection of data that is not required.

Legal authority: *Canadian Environmental Protection Act*, section 18

Contact: R. White, Industrial Sectors Branch, Environmental Protection Service, Environment Canada, 13th Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-1120; Fax: (819) 953-8903.

Environmental Conservation Service

EC/96-10-L

Migratory Birds - Annual Game Bird Hunting

The Migratory Birds Regulations are amended annually to identify season dates, hunting areas, species which may be hunted and bag and possession limits, in order to protect the species from over-exploitation.

The consultation process used to determine dates and numbers begins in December each year when suggested changes to the Regulations are presented for discussion, based on the status of migratory game bird populations in Canada. The proposals are developed jointly among the Canadian Wildlife Service and the provinces and territories. Federal biologists in Canada and the United States, provincial and territorial biologists, migratory game bird hunters, non-government organizations and native groups receive the document. Based on their responses, revisions are made and a second document specifying the proposed changes to the hunting regulations is distributed in April.

Non-toxic shot hunting zones are also designated in order to reduce the potential for lead poisoning of waterfowl caused by the ingestion of lead shot pellets which remain in wetlands after hunting. In 1995, the use of lead was banned for waterfowl hunting in British Columbia. In 1997, a national ban on the use of lead shot for waterfowl hunting will be made. For more information on the banning of lead, see regulatory initiative EC/96-12-L (Ban on Lead Shot). Adequate populations of migratory game birds must be maintained to sustain the benefits of these species and to prevent them from becoming threatened or endangered.

According to estimates based on the 1991 Statistics Canada National Survey on the Importance of Wildlife to Canadians, migratory bird populations generated over \$53 million of annual direct benefits to Canadian participants in recreational waterfowl hunting activities. \$177 million in expenditures was associated

with all these activities. These expenditures resulted in a contribution of almost \$223 million to the Gross Domestic Product, and sustained over 4,000 jobs. Federal and provincial tax revenue from expenditures associated with these activities was estimated at \$98 million.

Time constraints necessitate an annual request for exemption from pre-publication in Part I of the *Canada Gazette*.

Legal authority: *Migratory Birds Convention Act*, 1994, section 12

Contact: Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service, Environment Canada, 3rd Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

EC/96-11-L

Migratory Birds - General

As part of a government-wide initiative beginning in 1992, Environment Canada undertook a review of, among other regulations, the Migratory Birds and the Migratory Bird Sanctuary and Wildlife Area Regulations to improve Canada's competitiveness and environmental sustainability. As a result of this review and of a previous review initiated by the Canadian Wildlife Service, amendments have been made and will continue to be made to these regulations.

In 1996, three amendments to the Migratory Birds Regulations will be proposed relating to baiting, corporations that train dogs as retrievers, and falconry hunting. No additional costs will be incurred to enforce these amendments.

First, the baiting amendment will specify that when the condition of crops attract migratory birds "as a result of normal agricultural or harvesting operations" the crops will not be regarded as places where bait has been deposited. The goal of this amendment is to prevent people from purposely flooding crops to act as baited areas for waterfowl hunting.

Second, the retriever amendment will increase to 200 the number of carcasses of migratory game birds that corporations may have in their possession for the purpose of training dogs as retrievers. Retriever clubs have argued that the current limit of 125 carcasses is not sufficient. The use of retrievers in waterfowl hunting is considered an excellent conservation technique.

Third, the falconry hunting amendment will allow migratory game birds to be hunted with the aid of raptors, where an area is designated for falconry hunting by the province. Due to the low success rate, this method of hunting has no great impact on bird populations.

The Canadian Wildlife Service has formalized the process used to consult on regulatory proposals. Each December and April, proposals are circulated to partners in the provinces and territories, the United States Fish and Wildlife Service, Aboriginal peoples, migratory game bird hunting groups and other environmental non-government organizations. In addition, others who are or may be affected by these proposals, such as the retriever clubs and falconry hunters, will be advised of these proposals.

Legal authority: *Migratory Birds Convention Act, 1994*, section 12

Contact: Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service, Environment Canada, 3rd Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

EC/96-12-L

Migratory Birds Regulations - A Ban on Lead Shot in National Wildlife Areas

The use of lead shot in waterfowl hunting has been shown to cause significant lead poisoning of birds in Canada. As a result, Environment Canada will ban lead shot in National Wildlife Areas (NWAs) in 1996. Legal requirements for consultation with co-management boards may require delaying the ban in the territories until 1997. For more information on the banning of lead, see regulatory initiative EC/96-10-L (Annual Game Bird Hunting).

The Canadian Wildlife Service has formalized the process used to consult on regulatory proposals. Each December and April, proposals are circulated to partners in the provinces and territories, the United States Fish and Wildlife Service, Aboriginal peoples, migratory game bird hunting groups and other environmental non-government organizations. In addition, anyone else who is or may be affected by these proposals, such as residents who live nearby and users of the NWAs, will be advised of these proposals.

Legal authority: *Migratory Birds Convention Act, 1994*, section 12

Contact: Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service,

Environment Canada, 3rd Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

EC/96-13-L

Wildlife Area Regulations - Establishment, Transfer or Change to Boundaries of National Wildlife Areas

The Wildlife Area Regulations will be amended to establish the following National Wildlife Areas (NWAs): CFB Suffield in Alberta and Sable Island in Nova Scotia. In addition, the Regulations will be amended to change the boundaries of existing NWAs. Tintamarre in New Brunswick, Chignecto in Nova Scotia, and Baie de l'Isle-Verte in Quebec will be enlarged. The amendments will conserve key habitat for wild organisms.

NWAs, like other protected areas, play an important educational role in making Canadians aware of their natural heritage and instilling respect for the ecosystems on which all life depends. Protected areas are of importance in Canada and internationally, in terms of both tourism and prestige. Benefits also accrue locally. Significant economic opportunities for local service-related businesses can result from NWAs.

The Canadian Wildlife Service has formalized the process used to consult on regulatory proposals. Each December and April, proposals are circulated to partners in the provinces and territories, the United States Fish and Wildlife Service, Aboriginal peoples, migratory game bird hunting groups and other environmental non-government organizations. In addition, anyone else who is or may be affected by these proposals, such as residents living nearby and users of the areas, will be advised of these proposals.

This is a new initiative, except for Tintamarre and Chignecto which appeared in the 1995 *Federal Regulatory Plan* as EC/95-16.

Legal authority: *Canada Wildlife Act*, section 12

Contact: Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service, Environment Canada, 3rd Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

EC/95-17-L

Migratory Bird Sanctuary Regulations - Revocation: Migratory Bird Sanctuaries

The Migratory Bird Sanctuary Regulations will be amended to revoke the Cape Dorset Bird Sanctuary in the Northwest Territories and Pinafore Park Bird Sanctuary in Ontario. Cape Dorset was established in 1957 to protect a common eider colony. However, the area has limited biological value, because very few eiders now populate the area. Pinafore Park is also now of minimal conservation value. Established MBSs are regularly reviewed to ensure that they still benefit migratory birds and thus warrant sanctuary status. These amendments are a result of these reviews. Refer to the information provided relating to Wildlife Area Regulations (EC/96-13-L) for a description of the benefits derived from protected areas such as sanctuaries.

The Cape Dorset initiative appeared in the 1995 *Federal Regulatory Plan* as EC/95-17. The Pinafore Park initiative is new.

Legal authority: *Migratory Birds Convention Act, 1994*, section 12

Contact: Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service, Environment Canada, 3rd Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

EC/95-18-L

Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Regulations - New

New regulations to be developed under the provisions of the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (WAPPRITA) will incorporate the permit requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the *Game Export Act* (GEA). Other elements of the regulatory package are to be developed in response to the new provisions of WAPPRITA. On December 17, 1992, WAPPRITA received Royal Assent. However, regulations must be made before the Act can be proclaimed and enter into force as a law of Canada. The existing regulatory regime for CITES under the *Export and Import Permits Act* will be revoked. The GEA will be repealed.

The new Act, once proclaimed, will protect Canadian and foreign wildlife species from illegal trade. It will provide special protection for species considered endangered under CITES. It will also protect Canadian ecosystems against the introduction of designated harmful species. These objectives will be achieved through the new regulations which will control trade in wild animals and plants, their parts and derivatives.

Public consultation to develop the Regulations began in June 1993 with the mailing of a comprehensive "Regulatory Options" document. Regulatory proposals were then circulated in November 1993. Draft regulations have been developed in consideration of the responses received from the mailings. They have been provided to the provinces and territories for comment.

Legal authority: *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*, section 21

Contact: Lisa Quiring, Regulatory Analyst, Wildlife Conservation Branch, Canadian Wildlife Service, Environment Canada, 3rd Floor, 351 St. Joseph Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-1272; Fax: (819) 953-6283.

Canadian Environmental Assessment Agency

EC/96-14-I

Inclusion List, Part II

The Inclusion List lists the physical activities not relating to physical works that will be subject to the *Canadian Environmental Assessment Act* process. It was published in the *Canada Gazette* Part II on October 19, 1994. All physical activities on this list are related to entities named in the Law List or Comprehensive Study List regulations, and the cost-benefit analysis was undertaken in conjunction with those analyses performed for the Law List and Comprehensive Study List.

The Inclusion List Part II will include physical activities other than those related to Law List and Comprehensive Study List entries. It will name only physical activities that may have significant environmental effects that cannot be routinely mitigated.

The costs of the additions to the Inclusion List are primarily associated with possible delays in decision-making as well as actual costs incurred, and

the creation of additional uncertainties as to whether a given activity will ultimately be approved. The benefits are measured in terms of environmental damages that are avoided, whether through mitigation or the withholding of permits and approvals that would allow a project to be carried out.

Legal authority: *Canadian Environmental Assessment Act*, section 59(b)

Contact: Angie Barrados, Regulatory Development, Canadian Environmental Assessment Agency, 14th Floor, Fontaine Building, 200 Sacré-Coeur Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-4639; Fax: (819) 994-1469.

EC/95-20-L

Projects Outside Canada

This regulation will vary and exclude the process under the *Canadian Environmental Assessment Act* for projects outside Canada.

The regulation will ensure that projects outside Canada comply with the principles of the *Canadian Environmental Assessment Act*. At the same time, the regulation will ensure that the sovereignty of foreign states is respected, that assessments are conducted in accordance with the principles and practice of international law, and that environmental assessment procedures suit conditions present in foreign states.

Given that the Act applies to projects outside Canada in the absence of a regulation, environmental assessment costs incurred by federal authorities are not likely to be higher if the Regulation is promulgated. In fact, such costs may be lower since the Regulation may limit the legal responsibilities of responsible authorities to carry out certain elements of the environmental assessment process under the Act.

Legal authority: *Canadian Environmental Assessment Act*, section 59(i)(ii)

Contact: Martin Green, Regulatory Development, Canadian Environmental Assessment Agency, 14th Floor, Fontaine Building, 200 Sacré-Coeur Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-7708; Fax: (819) 994-1469.

EC/95-21-L

One Project-One Assessment

The One Project-One Assessment regulation will set out a process to be followed in situations where several federal authorities are required to conduct a federal environmental assessment for one project.

Such cases are expected to arise for large projects, since federal authorities may be involved as proponents by carrying out the project, by providing funding or an interest in federal lands, or by issuing licenses or permits. The goal of the One Project-One Assessment regulation is to ensure as far as possible that there is a single federal environmental assessment for each project subject to the *Canadian Environmental Assessment Act*, without compromising the intent of the Act.

The procedures under the Regulations will identify all the federal authorities involved in a project as responsible authorities at an early stage in the planning process. The responsible authorities identified will then co-ordinate with one another to submit a single environmental assessment and record of decision. Complementary environmental assessments will only be required when an additional responsible authority becomes involved in the project after a decision is submitted, or the project proposal is significantly altered.

The One Project-One Assessment regulation will result in an efficient allocation of funds available for environmental assessment through eliminating duplication of effort by different federal authorities. This regulation will not involve any additional financial or environmental costs.

Legal authority: *Canadian Environmental Assessment Act*, section 59(a)

Contact: Brad Parker, Regulatory Development, Canadian Environmental Assessment Agency, 200 Sacré-Coeur Blvd., 14th Floor, Fontaine Building, Hull, Quebec, K1A 0H3. Tel.: (819) 953-5044; Fax: (819) 994-1469.

EC/95-22-L

Panel Procedures (formerly Procedural Regulations)

These procedures will set out the manner in which federal environmental assessment panels will conduct panel reviews, beginning when a responsible authority refers a project for review, and ending when the government responds to the panel report. Timelines and procedures related to participant funding may also be included in the panel procedures.

The goal of the procedures is to ensure that the federal environmental assessment panel review process is fair, timely and efficient. The regulation * will lead to better substantiated and more traceable government

decision-making with respect to projects, since consistent procedures will be applied to each one.

In the future, guidelines or regulations for other parts of the federal environmental assessment process may be developed; in the meantime, procedural advice is available from a series of guidance documents published by the Agency.

This initiative includes the previous EC-31 that appeared in the 1994 *Federal Regulatory Plan*.

(* Note: Consideration is being given as to whether a regulation or a guideline would be more appropriate for panel procedures.)

Legal authority: *Canadian Environmental Assessment Act*, section 59(a)

Contact: Jim Clarke, Regulatory Development, Canadian Environmental Assessment Agency, 14th Floor, Fontaine Building, 200 Sacré-Coeur Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-2262; Fax: (819) 994-1469.

EC/91-278-M

Crown Corporations and Harbour Commissions

These regulations will set out the manner of conducting environmental assessments for projects for which Crown corporations, their majority-owned subsidiaries, and harbour commissions are responsible.

The regulations will describe variations of the federal environmental assessment process. The variations will take into account the particular commercial and competitive circumstances of the Crown corporations and harbour commissions, and the diversity of their activities and responsibilities. It is anticipated that the environmental policies and initiatives of Crown corporations and harbour commissions will be used as a foundation for the environmental assessment process described in the regulations. These regulations will also provide for flexibility in applying environmental assessment to projects outside Canada undertaken by Crown corporations and harbour commissions, based on the Projects Outside Canada regulation.

Under the *Canadian Environmental Assessment Act*, Crown corporations and harbour commissions are not always required to carry out assessments of the environmental effects of projects in the absence of a regulation. The regulation will likely not affect the competitiveness of commercial Crown corporations.

Legal authority: *Canadian Environmental Assessment Act*, section 59(j)(k)

Contact: Mike Lascelles, Regulatory Development, Canadian Environmental Assessment Agency, 14th Floor, Fontaine Building, 200 Sacré-Coeur Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 997-2217; Fax: (819) 994-1469.

EC/91-283-L

Offshore Boards

This regulation will adapt the federal environmental assessment process to projects carried out by offshore boards which are established jointly under federal and provincial law. It will ensure that projects carried out by offshore boards comply with the principles of the *Canadian Environmental Assessment Act*. The regulation will apply to the Canada-Nova Scotia Offshore Petroleum Board and the Canada-Newfoundland Offshore Petroleum Board.

This regulation may result in higher environmental assessment administration costs to offshore boards. The key benefit of the regulation is that regulatory decisions of offshore boards with respect to offshore oil and gas projects would be subject to the Act.

Legal authority: *Canadian Environmental Assessment Act*, section 59(i)(v)

Contact: Barbara Lukaszewicz, Regulatory Development, Canadian Environmental Assessment Agency, 14th Floor, Fontaine Building, 200 Sacré-Coeur Blvd., Hull, Quebec, K1A 0H3. Tel.: (819) 953-0755; Fax: (819) 994-1469.

EC/93-30-L

Minimal Federal Involvement

The Minimal Federal Involvement regulation will set out projects or classes of projects for which a federal environmental assessment is not required, since the contribution of the responsible authority to the project is minimal. It will ensure a more effective use of federal resources devoted to environmental assessment, avoid duplication of environmental assessment processes, and avoid undue delays for those projects having minimal federal involvement.

The key benefit of this regulation is to reduce environmental assessment administration costs for projects where the federal contribution is minimal. Small additional administration costs associated with determining if the regulation applies may be incurred. In addition, there may be environmental costs

resulting from the lack of an environmental assessment due to the application of the regulation.

Legal authority: *Canadian Environmental Assessment Act*, section 59(c)(ii)

Contact: Brad Parker, Regulatory Development,
Canadian Environmental Assessment Agency,
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Hull, Quebec, K1A 0H3. Tel.: (819) 953-5044;
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Content

Initiatives for 1996

International Trade and Finance Branch

<i>Customs Tariff</i> - Schedule VII	51
<i>Customs Tariff</i> - Technical Amendments	51
General Amending Orders	50
General Preferential Tariff Orders	48
Goods for People with Disabilities	47
Handicraft Goods Order	49
Most-favoured-nation Tariff Treatment	49
Preferential Tariff Treatment for Caribbean Commonwealth Countries (CARIBCAN)	49
Preferential Tariff Treatment for Certain Commonwealth Countries	50
Remission of Anti-Dumping and Countervailing Duties	51
Remission of Duties	50
"Snapback" Tariffs on Fresh Fruits and Vegetables	50
<i>Special Import Measures Act</i>	51
Sports Equipment	47
Tariff Treatment - Rules of Origin	48
Temporary Reduction, Removal or Drawback of Customs Duties	47
Vessel Duty Removal/Reduction	49
World Trade Organization Agreement and Other Trade Agreements	48

Financial Sector Policy Branch

Affiliated Persons Regulations	53
Domestic Bonds of Canada Regulations	52
Financial Contracts Regulations	52
Portfolio Management and Investment	52
<i>Proceeds of Crime (Money Laundering) Act</i> - Regulations	52

Tax Policy Branch

Agriculture and Fishing Property (GST) Regulations	56
Amalgamations and Windings-Up Continuation (GST) Regulations	56
Automobile Operating Cost Benefit (GST) Regulations	57
Budget (GST) Regulations	60
Crown Agents (GST) Regulations	59
Debit and Credit Note Information (GST) Regulations	58
Financial Services (GST) Regulations	58
Games of Chance (Lotteries) (GST) Regulations	59
GST Regulations - Other	60
Income Tax Regulations - 1994 Budget	54
Income Tax Regulations - 1995 Budget	54
Income Tax Regulations - Branch Tax Investment Allowance - Partnerships	55
Income Tax Regulations - Budget Regulations	56
Income Tax Regulations - Capital Cost Allowance	55
Income Tax Regulations - Changes in Residence - Consequential Modifications	55
Income Tax Regulations - Income Tax Technical Amendments (1993)	54
Income Tax Regulations - Income Tax Technical Amendments (1995)	55
Income Tax Regulations - Indexed Debt Obligations	53
Income Tax Regulations - Interest Accrual Rules	54
Income Tax Regulations - Life Insurance Companies and their Products	53
Income Tax Regulations - Other	56

Income Tax Regulations - Reporting Requirements - Mutual Fund Reorganizations	54
Income Tax Regulations - Resource Allowance.....	53
Income Tax Regulations - Retirement Savings.....	56
Income Tax Regulations - Tax Shelter Identification Numbers	55
Income Tax Regulations - Unregistered Pension Plans	53
Joint Venture (GST) Regulations.....	58
Mail and Courier Imports (GST) Regulations.....	60
Non-taxable Imported Goods (GST) Regulations.....	57
Public Service Body Rebate (GST) Regulations.....	59
Publications Supplied by a Non-resident Registrant (GST) Regulations.....	57
Streamlined Accounting (GST) Regulations	58
Taxes, Duties and Fees (GST) Regulations.....	60
Value of Imported Goods (GST) Regulations	58
<u>Federal-Provincial Relations and Social Policy</u>	
Canada-Nova Scotia Offshore Revenue Equalization Offset Payments Regulations, 1993.....	61
Canada Health and Social Transfer Regulations.....	61
Federal-Provincial Fiscal Arrangements Regulations.....	61
Tax Collection Agreements and Federal Post-Secondary Education and Health Contributions Regulations, 1987.....	61
<u>Future initiatives</u>	
<u>International Trade and Finance Branch</u>	
Regulations Respecting Customs Bonded Warehouses	62
<u>Financial Sector Policy Branch</u>	
Cost of Credit Disclosure	62
Executive Compensation Regulations	62

General information

Roles and responsibilities

Finance Canada operates under sections 14-16 of the *Financial Administration Act*, which provides the Minister with the broad responsibility for the management of the Consolidated Revenue Fund and the supervision, control and direction of all matters relating to the financial affairs of Canada not by law assigned to the Treasury Board of Canada or to any other minister.

Finance Canada is the central agency of the federal government responsible for advice on the economic and financial affairs of Canada. It is concerned with all aspects of the performance of the Canadian economy. It oversees all government actions affecting the economy to ensure harmony, follows the development of external factors that bear on domestic economic performance, and examines the economic actions taken by other orders of government.

The department's most visible output is the federal budget. The budget speech provides an authoritative review of past, present and future economic factors that will affect the country's economic performance and the nation's finances. This document reviews the government's accounts and presents its fiscal projections. These include the government's expenditure program, revenues from existing sources, taxation changes and debt levels.

Finance Canada is wholly or partly responsible for administering the following acts:

Legislative mandate

- *Bank Act*
- *Bank of Canada Act*
- *Bills of Exchange Act*
- *Bretton Woods and Related Agreements Act*
- *Canada Deposit Insurance Corporation Act*
- *Canada Development Corporation Reorganization Act*
- *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, Part IV*
- *Canada Pension Plan Act*
- *Canadian International Trade Tribunal Act*
- *Canadian Payments Association Act*
- *Canadian Wheat Board Act*
- *Cooperative Credit Association Act*
- *Currency Act, Part II*
- *Customs and Excise Offshore Application Act*
- *Customs Tariff*
- *Debt Servicing and Reduction Account Act*
- *Diplomatic Service (Special) Superannuation Act*

- *European Bank for Reconstruction and Development Agreement Act*
- *Excise Act*
- *Excise Tax Act*
- *Federal-Provincial Fiscal Revision Act*
- *Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act*
- *Financial Administration Act*
- *Financial Institutions Depositors Compensation Act*
- *Fisheries Improvement Loans Act*
- *Garnishment, Attachment and Pension Diversion Act*
- *Income Tax Act*
- *Income Tax Convention Acts and Income Tax Conventions Interpretation Act*
- *Insurance Companies Act*
- *Interest Act*
- *Maritime Provinces Additional Subsidies Act*
- *Newfoundland Additional Financial Assistance Act*
- *Office of the Superintendent of Financial Institutions Act*
- *Pension Benefits Standards, 1985 Act*
- *Prince Edward Island Subsidy Act*
- *Proceeds of Crime (Money Laundering) Act*
- *Provincial Subsidies Act*
- *Public Utilities Income Tax Transfer Act*
- *Special Import Measures Act*
- *Spending Control Act*
- *St. Lawrence Seaway Authority Act*
- *Trust and Loan Companies Act*
- *Winding Up Act, Parts II and III*

Initiatives for 1996

International Trade and Finance Branch

Fin/R-1-I

Temporary Reduction, Removal or Drawback of Customs Duties

In response to requests from Canadian manufacturers, tariff rates on inputs to manufacturing processes are sometimes temporarily reduced or eliminated when similar or substitutable products are not available from Canadian manufacturers. These rate reductions are introduced through amendments to the Customs Duties Reduction or Removal Order, 1988; the Chemicals and Plastics Duties Reduction or Removal Order, 1988; and Schedule V to the *Customs Tariff*. These orders are amended from time to time to extend the duty relief period or to restore the statutory tariff rates.

As a result of a recently introduced tariff bill, individual tariff reduction orders may be introduced in the future. These will amend Schedule I to the *Customs Tariff* to include tariff reductions on manufacturing inputs directly in the statute, for greater clarity.

Tariff reductions on inputs strengthen Canadian manufacturing capacity by helping Canadian manufacturers compete more effectively in the domestic market against imports from other countries. Because such action could affect the tariff protection afforded Canadian producers, the department recommends it only after carefully considering the costs and benefits of the tariff reduction to the beneficiaries and to other Canadian producers.

Legal authority: *Customs Tariff*, sections 68, 71 and 72

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/R-2-L

Sports Equipment

The *Customs Tariff* permits duty-free entry of sports equipment unavailable from Canadian producers that meets international competition standards and that the Sports Federation of Canada certifies as required by athletes in training for, or competing in, international competitions. Orders made under this authority add products to the list of goods qualifying for duty-free entry.

The duty-free entry of such sports equipment helps Canadian athletes train for, or compete in, international amateur competitions. The interests of Canadian manufacturers are also protected, since equipment allowed duty-free entry is not generally available from Canadian manufacturers.

Legal authority: *Customs Tariff*, code 2640

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/R-3-L

Goods for People with Disabilities

The *Customs Tariff* permits duty-free entry of goods specifically designed for disabled persons. The

Governor in Council designates the goods qualifying for duty-free entry when comparable goods are not available from producers in Canada. Orders made under this authority add products to the list of goods qualifying for duty-free entry.

The duty-free entry of goods for disabled persons by order in council allows flexibility in responding to the needs of disabled persons while, at the same time, adequately protecting Canadian manufacturers. Before making a recommendation to Council, the department consults fully with those who could be affected by a change in tariff rates.

Legal authority: *Customs Tariff*, code 2535

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/R-4-M

Tariff Treatment - Rules of Origin

Rules of origin determine the country of origin of goods and, under the preferential trade agreements, the level of tariff treatment applicable to those goods. Amendments could be made to the following regulations in 1995: the General Preferential Tariff and Least Developed Developing Countries Rules of Origin Regulations; the British Preferential Tariff and Most-Favoured-Nation Tariff Rules of Origin Regulations; the New Zealand and Australia Rules of Origin Regulations; the CARIBCAN Rules of Origin Regulations; the NAFTA Rules of Origin Regulations; the NAFTA Rules of Origin for Casual Goods Regulations; the Determination of Country of Origin for Purposes of Marking Goods (NAFTA Countries) Regulations; and the Determination of Country of Origin for Purposes of Marking Goods (Non-NAFTA Countries) Regulations.

Rules of origin are made to benefit Canada's trade interests. Proposed amendments would be made following consultation with the private sector and, in the case of the NAFTA Rules of Origin Regulations, following the agreement of the U.S. and Mexico to such amendments.

Legal authority: *Customs Tariff*, sections 13, 18, 63.1 and 64

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Fin/R-5-I

General Preferential Tariff Orders

Canada provides a system of preferential tariff rates known as the General Preferential Tariff (GPT), for most products from developing countries, as well as special duty-free entry for most products from the least-developed developing countries. On occasion, it becomes necessary to withdraw such preferences, particularly when Canadian manufacturers are injured by imports into Canada under the reduced rates. Normally, recommendations for withdrawal are made following public hearings and a report by the Canadian International Trade Tribunal, which is tabled in the House of Commons. Alternatively, the GPT regime may be modified in relation to rates of duty, product coverage or country coverage.

Withdrawing preferential rates of duty alleviates injury incurred by domestic industry. Expanding the preferences satisfies Canada's international commitment to help promote trade with developing countries.

Legal authority: *Customs Tariff*, sections 35, 36, 38 and 41

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/R-6-M

World Trade Organization Agreement and Other Trade Agreements

Under certain circumstances, the Minister of Finance and the Minister of Foreign Affairs make recommendations to the Governor in Council to modify tariff rates on imported products in response to domestic or international situations involving Canada's rights or obligations under the World Trade Organization Agreement (WTO) the Canada - U.S. Free Trade Agreement (FTA), the North American Free Trade Agreement (NAFTA) or other trade agreements. Regulations under these authorities are usually made in response to occasional, often unexpected, international trade situations. Recommendations to the Governor in Council involve either: urgent domestic situations, such as surtaxes or retaliatory responses to actions by other countries that

negatively affect Canadian exports; or reductions in tariff rates that have been negotiated with our trading partners, such as those agreed to during the latest round of multilateral trade negotiations, which may lead to some tariff reductions being implemented by order in council.

Tariff rates are modified under WTO, the FTA, the NAFTA or other trade agreements largely to benefit and protect Canada's trading interests.

Legal authority: *Customs Tariff*

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.
Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/R-7-I

Preferential Tariff Treatment for Caribbean Commonwealth Countries (CARIBCAN)

Canada provides a scheme of duty-free preferences called CARIBCAN for most products from Caribbean Commonwealth countries. Under certain circumstances, the government may need to act quickly to withdraw such preferences when Canadian manufacturers are injured by imports as a result of the lower preferential rates. Alternatively, the government may wish to expand the country or product coverage for these preferential rates or to waive certain rules of origin requirements to improve the benefits provided.

Withdrawing CARIBCAN treatment as a result of a safeguard petition would restore necessary protection for Canadian industry. Changes to rules of origin or country coverage could benefit developing countries.

Legal authority: *Customs Tariff*, sections 54 and 58

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.
Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/R-8-I

Vessel Duty Removal/Reduction

The *Customs Tariff* provides authority for the Governor in Council, on the recommendation of the Minister of Finance, to reduce or remove the tariff on ships, floating structures and other waterborne craft. The Governor in Council uses this authority to respond to submissions from Canadian companies that demonstrate that the tariff is inequitable or

anomalous or that it must be reduced or removed for competitive reasons.

Reducing or removing the tariff on vessels reduces the costs associated with acquiring vessels and thus reduces the operating cost of the transportation service they provide. Because such action could affect the tariff protection afforded Canadian shipbuilders, the department recommends it only after carefully considering the costs and benefits to the importers and to the Canadian shipbuilding and ship repairing industries.

Legal authority: *Customs Tariff*, supplementary note 1 to chapter 89

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.
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Fin/R-9-I

Most-favoured-nation Tariff Treatment

Under certain circumstances, the Minister of Finance makes recommendations to the Governor in Council to modify the tariff treatment of imports from certain countries. Orders extending most-favoured-nation tariff treatment are approved in response to obligations under a new trade agreement or to reflect a change in our trade relations with a particular country.

The tariff treatment extended to a particular country is usually modified in response to international obligations.

Legal authority: *Customs Tariff*, sections 23 and 25

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.
Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/R-10-L

Handicraft Goods Order

The *Customs Tariff* permits duty-free entry of traditional or artistic handicraft goods originating in developing countries.

From time to time, the Minister of Finance makes recommendations to the Governor in Council to expand or otherwise modify the list of handicraft items that are entitled to duty-free entry.

The Handicrafts Goods Order is part of Canada's international commitment to assist developing countries.

Legal authority: *Customs Tariff*, code 2955

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/R-11-I

Preferential Tariff Treatment for Certain Commonwealth Countries

Canada provides a system of tariff preferences for certain Commonwealth countries. On occasion, it becomes necessary either to withdraw British Preferential Tariff (BPT) rates of duty, largely to protect domestic manufacturers, or to modify BPT treatment for certain goods, usually in response to international trade agreements.

Withdrawing BPT rates may increase protection for domestic industry. Expansion of BPT rates usually occurs following trade agreements that contain reciprocal benefits for Canadian trade.

Legal authority: *Customs Tariff*, sections 27, 28 and 31

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/R-12-L

General Amending Orders

From time to time, amendments to various regulations and orders are required as a result of concerns raised by the Standing Joint Committee for the Scrutiny of Regulations. The amendments address certain legal issues as well as technical problems with orders.

Because the amendments are, for the most part, technical and not substantive, there is little or no economic impact.

Legal authority: *Customs Tariff*

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/R-13-I

Remission of Duties

The authority to remit customs duties paid or payable has been delegated by Parliament to the Governor in Council. Remissions of duties are usually proposed only in exceptional circumstances where a genuine need for tariff relief has been clearly demonstrated. Most remissions are recommended to rectify anomalies or inequities caused by the tariff structure in specific situations or to provide short-term assistance to particular Canadian manufacturers facing serious competitive or financial problems.

The remission authority allows the government to respond quickly in specific situations where the application of general laws and regulations is having unintended or undesirable results. Because such action could affect the tariff protection afforded Canadian producers, the department recommends it only after carefully considering the costs and benefits of the tariff reduction to the beneficiaries and to Canadian producers.

Legal authority: *Customs Tariff*, section 101; *Financial Administration Act*, section 23

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/R-14-I

"Snapback" Tariffs on Fresh Fruits and Vegetables

The *Customs Tariff* contains authority for a 20-year period (flowing from article 702 of the Canada - U.S. Free Trade Agreement and annex 702.1 of the NAFTA) under which the Minister of Finance may, by order, temporarily restore (for up to 180 days) tariffs on certain fresh fruits and vegetables imported from the U.S. under depressed price conditions to give Canada's horticultural industry an opportunity to adjust to more open trading conditions. This "snapback" provision applies only if the average acreage under cultivation (exclusive of acreage converted from wine-grape cultivation) for that product is constant or declining. The temporary duties, together with any other customs duty, cannot exceed the most-favoured-nation rate of duty for the product in question.

Imposing temporary duties will restore tariff protection for domestic producers of fruits and vegetables covered by the order.

Legal authority: *Customs Tariff*, section 60.2

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/R-15-L

Customs Tariff - Technical Amendments

From time to time, it is necessary to make technical amendments to the *Customs Tariff* nomenclature. These are usually required to implement international obligations that Canada undertook when it adopted the Harmonized System (HS) of classification in 1988. (An integral part of the adoption of the HS is that the tariff nomenclature must be amended from time to time to implement decisions taken by the Customs Co-operation Council, the international organization responsible for the HS, to meet evolving technological developments.)

The amendments are, for the most part, technical and not substantive.

Legal authority: *Customs Tariff*, section 12.1

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/R-16-I

Customs Tariff - Schedule VII

Section 114 of the *Customs Tariff* prohibits the importation of goods set out in Schedule VII to that act. Schedule VII further provides authority, in certain instances, for regulations to clarify which goods are prohibited or the terms and conditions under which certain goods are prohibited. Throughout the year, it may be necessary to make or amend such regulations.

Because such action could affect the admissibility of goods into Canada, regulations relating to the goods set out in Schedule VII are only introduced after the department has carefully considered their costs and benefits.

Legal authority: *Customs Tariff*

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

Fin/R-17-I

Remission of Anti-Dumping and Countervailing Duties

The authority to remit the payment of anti-dumping and countervailing duties has been delegated by Parliament to the Governor in Council. Requests for the remission of these duties are accepted only under exceptional circumstances, generally where the Canadian industry supports the remission or where there is no Canadian production.

The remission authority allows the government to respond quickly in specific situations where the application of general laws and regulations is having unintended or undesirable results.

Legal authority: *Customs Tariff*, section 101

Contact: Terry Collins-Williams, Director, International Economic Relations Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-8650; Fax: (613) 943-1177.

Fin/R-18-I

Special Import Measures Act

To implement Canada's obligations emanating from the GATT Uruguay Round of Multilateral Trade Negotiations,, the department intends to make certain changes to the *Special Import Measures Act* (SIMA) Regulations.

The definition of subsidy and the method of calculating dumping will be changed. Any such changes would be undertaken to enable Canada to take greater advantage of its rights under new WTO rules on the use of trade remedies.

Legal authority: *Special Import Measures Act*

Contact: Terry Collins-Williams, Director, International Economic Relations Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-8650; Fax: (613) 943-1177.

Financial Sector Policy Branch

Fin/93-26-I

Portfolio Management and Investment Counselling Regulations

The Portfolio Management and Investment Counselling Regulations prescribe terms and conditions for the provision of portfolio management and investment counselling services by federally regulated financial institutions. The intent of the Portfolio Management and Investment Counselling Regulations is to ensure that a comprehensive regulatory framework exists for investors who make use of these portfolio management and investment counselling services. The compliance costs for federally regulated financial institutions will be comparable to those faced by other providers of portfolio management and investment counselling services, which are regulated by the provinces.

Legal authority: *Bank Act*, paragraph 410(3)(b); *Insurance Companies Act*, paragraph 441(4)(b); *Trust and Loan Companies Act*, paragraph 410(3)(b)

Contact: Martine Doyon, Chief, Policy Development Section, Financial Sector Division, Financial Sector Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 20th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-7056; Fax: (613) 943-8436.

Fin/94-20-L

Domestic Bonds of Canada Regulations

Regulations pursuant to section 60 of the *Financial Administration Act* set forth certain legal requirements with respect to the issuing, redemption and transfer of ownership of Government of Canada bonds. These regulations have not undergone substantial amendments for some time. The department is proposing a complete review of the Regulations to correct numerous flaws that have become apparent in the past several years, as well as to incorporate new provisions needed as a result of changes in the market environment relating to the issue of bonds. These changes will be largely technical. They include reconciling the Regulations with civil and common law and incorporating new provisions related to the increasing use of electronic, rather than physical, transfer of funds and securities ownership.

Legal authority: *Financial Administration Act*, section 60

Contact: Jon P. Cockerline, Chief, Financial Markets Operations Section, Financial Markets Division, Financial Sector Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-4468; Fax: (613) 943-2039.

Fin/95-21-I

Proceeds of Crime (Money Laundering) Act - Regulations

Regulations under the *Proceeds of Crime (Money Laundering) Act* came into effect on March 26, 1993. These regulations set out record-keeping and client identification procedures for financial institutions and others, to provide audit trails for use in money laundering investigations. Minor adjustments to the Regulations may be required, in light of compliance experience and changing money laundering practices.

Legal authority: *Proceeds of Crime (Money Laundering) Act*, subsection 5(1)

Contact: Sheila Riordon, Chief, Inter-Governmental Relations Section, Financial Sector Division, Financial Sector Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 20th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-5259; Fax: (613) 943-8436.

Fin/R-22-I

Financial Contracts Regulations

The Financial Contracts Regulations cite certain financial contracts that may be executed despite the fact that a financial institution that is a party to the contract has been seized by the Canada Deposit Insurance Corporation (CDIC) and is in the process of being sold to another institution. When CDIC takes such action, most actions against the financial institution are stayed. The Financial Contracts Regulations set out an exemption for funds transfer systems, as the execution of such agreements is critical in ensuring financial market stability.

Legal authority: *Canada Deposit Insurance Corporation Act*, paragraph 39.15(5)(b)

Contact: Sue Whitney, Chief, Financial Institutions Section, Financial Sector Division, Financial Sector Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 20th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-5887; Fax: (613) 943-8436.

Fin/96-23-I

Affiliated Persons Regulations

The Affiliated Persons Regulations in the financial institutions statutes establish the circumstances under which a person is considered affiliated with a financial institution for the purposes of determining whether they are an affiliated director. These regulations are being amended to indicate that affiliated persons include the directors of an entity that has control of a federal financial institution and is not a financial institution. The specific regulations being amended are SOR/92-325, SOR/92-326 and SOR/92-327. An appropriate transition period will accompany the implementation of these regulations.

Legal authority: *Bank Act*, section 162 ; *Insurance Companies Act*, section 170; *Trust and Loan Companies Act*, section 166

Contact: Lynn Hemmings, Economist, Financial Institutions Section, Financial Sector Division, Financial Sector Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-0553; Fax: (613) 943-8436.

Tax Policy Branch

Fin/93-7-M

Income Tax Regulations - Resource Allowance

On July 23, 1992, the Minister of Finance announced that changes would be made to Part XII of the Income Tax Regulations, primarily to clarify the calculation of the resource allowance. Draft regulations and notes were released at that time.

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Simon Thompson, Chief, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-0049; Fax: (613) 992-4450.

Fin/93-10-I

Income Tax Regulations - Unregistered Pension Plans

On May 24, 1991, the Minister of Finance announced proposed measures relating to the registered retirement savings plan (RRSP) room of taxpayers who participate in certain unregistered pension plans. The Minister also announced proposals relating to the application of the 50-per-cent refundable retirement

compensation arrangement (RCA) tax to certain foreign pension plans. Implementation of these proposals will require a number of amendments to the Income Tax Regulations. In particular, amendments will be required to Part LXVIII, which prescribes certain plans as exempt from the definition of an RCA, and to Part LXXXIII, which prescribes amounts that serve to reduce the RRSP room of taxpayers. For details regarding the proposals, see Department of Finance Press Release 91-052.

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Catherine Cloutier, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0598; Fax: (613) 992-4450.

Fin/93-12-I

Income Tax Regulations - Indexed Debt Obligations

On October 16, 1991, the Minister of Finance announced proposed rules relating to the tax treatment of indexed debt obligations. The proposals will be implemented, in part, by amending Part LXX of the Income Tax Regulations. Also, an amendment will be required to the reporting obligation in subsection 201(4) of the Regulations. The proposed amendments are contained in Department of Finance Press Release 91-104.

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Lawrence Purdy, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0602; Fax: (613) 992-4450.

Fin/92-33-M

Income Tax Regulations - Life Insurance Companies and their Products

As announced in the February 1992 budget, Finance Canada is reviewing the taxation of the life insurance industry. This review will likely result in amendments to the Income Tax Regulations. In particular, these amendments may include changes to Part III (rules relating to the taxation of insurance policies and annuities), Part XIV (rules relating to the calculation of policy reserves of insurance companies) and Part XXIV (rules relating to the calculation of investment income of insurance companies).

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Wallace Conway, Chief, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 995-0455; Fax: (613) 992-4450.

Fin/94-43-I

Income Tax Regulations - Interest Accrual Rules

On August 10, 1993, the Minister of Finance announced changes to the rules in Part LXX of the Income Tax Regulations that prescribe the amount of interest that is considered to accrue each year on certain debt obligations. The changes alter the measurement of accrued interest on debt obligations that have increasing interest rates, and they limit the scope of a rule that treats a debt obligation as continuation of another obligation where it is acquired pursuant to a conversion right. Draft regulations and explanatory notes were released with the Minister's announcement.

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Lawrence Purdy, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0602; Fax: (613) 992-4450.

Fin/95-31-M

Income Tax Regulations - 1994 Budget

On February 22, 1994, the Minister of Finance presented the government's budget. The Budget contained a number of income tax measures, some of which will require changes to the Income Tax Regulations. These include amendments relating to debt forgiveness, foreign affiliates, financial institutions, tax shelters and the elimination of employer-provided life insurance benefits.

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Dan MacIntosh, Assistant Director, Tax Legislation Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-1823; Fax: (613) 992-4450.

Fin/95-32-M

Income Tax Regulations - Income Tax Technical Amendments (1993)

On August 30, 1993, draft technical income tax amendments were released for public consultation. These amendments, together with other measures

announced in press releases during 1993, were implemented by S.C. 1994, chapter 28, which received Royal Assent on June 15, 1994. A number of consequential amendments to the Income Tax Regulations are required.

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Dan MacIntosh, Assistant Director, Tax Legislation Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-1823; Fax: (613) 992-4450.

Fin/96-35-L

Income Tax Regulations - 1995 Budget

On February 27, 1995, the Minister of Finance presented the government's budget. The Budget contained a number of income tax measures, some of which will require changes to the Income Tax Regulations. These include amendments relating to scientific research and experimental development, fiscal periods of certain businesses, the Canadian film and video production tax credit, and source deductions.

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Gerard Lalonde, Chief, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 995-0405; Fax: (613) 992-4450.

Fin/96-24-L

Income Tax Regulations - Reporting Requirements - Mutual Fund Reorganizations

Income Tax Regulations 230(3) requires every person (other than an individual) who redeems, acquires or cancels a security to make an information return. Exceptions from this rule are provided for several common types of corporate and partnership reorganization. Provided the relevant amendments to the *Income Tax Act* are enacted as proposed, Regulation 230(3) will be amended to add an exception for reorganizations of mutual funds under proposed section 132.2 of the Act.

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Lawrence Purdy, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0602; Fax: (613) 992-4450.

Fin/96-25-L

Income Tax Regulations - Branch Tax Investment Allowance - Partnerships

Part XIV of the *Income Tax Act* imposes an additional tax on non-Canadian corporations (under proposed amendments, non-resident corporations) that carry on business in Canada. In computing its Part XIV tax base, a corporation may deduct an amount (its "investment allowance") in respect of its investments in Canada. The investment allowance, computed under Part VIII of the *Income Tax Regulations*, includes certain of the corporation's liquid assets. Regulation 808(3) was amended in 1993 to clarify that only those liquid assets that are attributable to a corporation's Canadian business profits, or that are used or held in the course of a Canadian business, are eluded. To ensure comparable treatment for corporations that carry on business in Canada as members of partnerships, a parallel change to Regulation 808(6) is required.

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Lawrence Purdy, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0602; Fax: (613) 992-4450.

Fin/96-26-L

Income Tax Regulations - Changes in Residence - Consequential Modifications

Amendments to the *Income Tax Act* enacted in 1994 revised the tax rules that apply when taxpayers, including corporations, become or cease to be resident in Canada. Those amendments make necessary two substantive changes to the *Income Tax Regulations*.

First, Part III of the *Regulations* describes the manner and timing of certain elections available to such taxpayers. Under the revised rules, the details of the elections are provided in the *Act* itself. Part III of the *Regulations* is therefore superfluous, and can be repealed.

Second, the *Act* provides for the inclusion of a prescribed amount in the foreign accrual property income of an immigrating corporation that is a foreign affiliate of a taxpayer resident in Canada. Regulation 5907(13) sets out the formula for computing that prescribed amount. That formula will be revised to reflect the 1994 amendments.

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Lawrence Purdy, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0602; Fax: (613) 992-4450.

Fin/96-27-L

Income Tax Regulations - Income Tax Technical Amendments (1995)

On April 26, 1995, draft technical income tax amendments were released for public consultation. If implemented, these amendments would require a number of consequential amendments to the *Income Tax Regulations*.

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Gerard Lalonde, Chief, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 995-0405; Fax: (613) 992-4450.

Fin/96-28-L

Income Tax Regulations - Tax Shelter Identification Numbers

Draft amendments to the *Income Tax Act* released on April 26, 1995 include amendments to section 237.1, as well as the introduction of section 143.2. Both deal with tax shelters. As a result of those amendments, consequential amendments to the *Income Tax Regulations*, defining prescribed benefits for the purposes of the tax shelter identification rules in section 237.1 of the *Act*, will be required.

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Kerry Harnish, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-4385; Fax: (613) 992-4450.

Fin/96-29-I

Income Tax Regulations - Capital Cost Allowance

The *Income Tax Act* allows taxpayers to claim deductions related to the cost of depreciable property, as allowed by regulation. These regulations are updated from time to time to deal with changing circumstances. It is expected that Part XI of the *Income Tax Regulations* and/or Schedule II to those regulations will require amendments as part of the ongoing process of monitoring the capital cost allowance system.

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Kerry Harnish, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-4385; Fax: (613) 992-4450.

Fin/96-30-L

Income Tax Regulations - Retirement Savings

Amendments are required to Parts LXXXIII and LXXXV of the Income Tax Regulations to refine the operation of the rules relating to registered pension plans. In addition, amendments may be required to other regulations relating to retirement savings.

Legal authority: *Income Tax Act*, subsections 147.1(18) and 221(1)

Contact: Catherine Cloutier, Tax Policy Officer, Tax Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0598; Fax: (613) 992-4450.

Fin/96-31-M

Income Tax Regulations - Budget Regulations

Any budgetary announcement made by the Minister of Finance before the end of 1996 may, as a consequence, require new regulations or amendments to regulations such as the Income Tax Regulations. The exact nature of the amendments, if any, is not yet known. It is therefore not possible to describe the benefits and costs. The budget documents will provide details of any impact.

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Dan MacIntosh, Assistant Director, Tax Legislation Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-1823; Fax: (613) 992-4450.

Fin/96-32-M

Income Tax Regulations - Other

It may become necessary to make various amendments to regulations of a technical or housekeeping nature or for the purposes of clarification. Other amendments to regulations may be required to address problems that may develop; to implement tax policy changes, including changes announced by press release; to respond to court

decisions; to reflect or respond to statutory changes, including those made as a result of statute revision; or to improve the wording, organization or numbering of the regulations. The exact nature of the amendments, if any, is not yet known. It is therefore not possible to describe the benefits and costs.

Legal authority: *Income Tax Act*, subsection 221(1)

Contact: Dan MacIntosh, Assistant Director, Tax Legislation Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-1823; Fax: (613) 992-4450.

Fin/94-49-I

Agriculture and Fishing Property (GST) Regulations

These regulations are being amended to add items to the list of major agricultural inputs that farmers can purchase on a zero-rated basis (i.e., without paying the Goods and Services Tax (GST)). This measure does not represent a net tax saving to farmers nor a net tax revenue loss to the government, because farmers would otherwise be entitled to recover fully any GST paid on the inputs through the input tax credit mechanism under the normal rules of the tax. However, the initiative results in a cash-flow benefit to farmers (and a corresponding cost to the government of forgone interest, since farmers would not have to pay the tax on the prescribed inputs at the time of purchase and then await a refund.

Legal authority: *Excise Tax Act*, section 10 of Part IV of Schedule VI and section 277

Contact: Claudine Gagnon, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6397; Fax: (613) 995-8970.

Fin/95-36-I

Amalgamations and Windings-Up Continuation (GST) Regulations

These regulations prescribe the provisions of the *Excise Tax Act* for the purposes of which a new corporation formed as a result of an amalgamation or winding-up of a predecessor corporation is considered to be the same corporation as the predecessor. The Regulations require amendments to reflect changes in section numbers enacted by S.C. 1993, chapter 27 (Bill C-112) and to add references to two sections dealing with insolvencies to ensure that

obligations and entitlements of predecessor corporations in these circumstances carry over to successor corporations.

Legal authority: *Excise Tax Act*, sections 271, 272 and 277

Contact: Philip Halliday, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 943-0619; Fax: (613) 995-8970.

Fin/94-50-I

Automobile Operating Cost Benefit (GST) Regulations

Under the Goods and Services Tax (GST), employee benefits relating to employer-paid automobile operating costs are taxable, since the employees would have to pay the GST on automobile expenses if they incurred them directly. The benefit as reported for income tax purposes is treated as a GST-included amount. The amount of GST considered to be included in the benefit and remittable by the employer is deemed to be a prescribed percentage of the benefit. For the 1993 and subsequent taxation years, the percentage to be prescribed by these regulations is five per cent. This is less than the general GST rate of seven per cent as it takes into account the fact that a portion of the benefit reported for income tax purposes relates to expenses on which GST does not apply, such as insurance and licence fees. The use of the prescribed percentage makes it easier for employers to calculate the GST liability because they do not have to separate that portion of the benefit relating to expenses that are not subject to GST.

Legal authority: *Excise Tax Act*, sections 173 and 277

Contact: Philip Halliday, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 943-0619; Fax: (613) 995-8970.

Fin/95-39-L

Publications Supplied by a Non-resident Registrant (GST) Regulations

Under the Goods and Services Tax (GST), suppliers of goods prescribed under section 143.1 of the *Excise Tax Act* (i.e., books, newspapers, magazines and similar publications) that are imported into Canada for delivery to consumers by mail or courier are required to register and to collect the tax directly from consumers. Where a supplier fails to register as

required, the publications are taxed upon importation. In S.C. 1993, chapter 27 (Bill C-112), the Act was amended to extend this provision to resident suppliers of foreign publications; it previously applied only to non-resident suppliers. Consequential amendments are required to the Regulations, which were made under section 143.1 of the Act.

Legal authority: *Excise Tax Act*, sections 143.1 and 277

Contact: Philip Halliday, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 943-0619; Fax: (613) 995-8970.

Fin/94-51-I

Non-taxable Imported Goods (GST) Regulations

Recent amendments to the *Excise Tax Act* allow the Minister of National Revenue to issue certificates to certain importers allowing them, under specified conditions, to import, without the payment of GST, goods that they will process in Canada and export, where such goods will be re-exported. The Regulations are being amended to prescribe these goods.

This measure does not represent a net tax saving to importers nor a net tax revenue loss to the government, because the importers would otherwise be entitled to recover fully any GST paid on the importation through the input tax credit mechanism under the normal rules of the tax. However, the initiative results in a cash-flow benefit to importers and a corresponding cost to the government of forgone interest, since importers would not have to pay the tax at the time of importation and then await a refund.

For situations where, under the Act, the Minister requires security to be posted for imported goods as a condition for tax-free importation, the Regulations will be amended to require verification that such security has been posted. As well, the Regulations are being amended to provide non-taxable status to goods that either originated in Canada or were taxed upon a previous importation and are being returned to Canada. This amendment is being made to avoid double taxation of the goods.

Legal authority: *Excise Tax Act*, section 8 of Schedule VII and section 277

Contact: Patrick Byrne, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier,

East Tower, 140 O'Connor Street, Ottawa, Ontario,
K1A 0G5. Tel.: (613) 992-8907; Fax: (613) 995-8970.

Fin/94-52-L

Joint Venture (GST) Regulations

Section 273 of the *Excise Tax Act* permits an operator and another participant in a qualifying joint venture to elect jointly to designate the operator as the person responsible for accounting for the Goods and Services Tax (GST) on behalf of both parties, with respect to their purchases and sales made in the course of prescribed activities of the joint venture. Amendments to the Regulations are required to extend the list of prescribed activities. This initiative will benefit participants in eligible joint ventures by permitting them to simplify their record-keeping and filing requirements for GST purposes.

Legal authority: *Excise Tax Act*, sections 273 and 277

Contact: Luba Baran, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-2980; Fax: (613) 995-8970.

Fin/94-53-L

Value of Imported Goods (GST) Regulations

These regulations are being amended to apply the Goods and Services Tax to 1/60th of the value of a temporarily imported bus or aircraft that is the subject of a short-term lease, for each month the bus or aircraft is to remain in Canada. In the absence of this provision, importers of leased buses and aircraft who may be using the conveyance for only a short time in Canada would be required to pay GST at the time of importation on the full value of the conveyance, even though they would have to pay tax only on the periodic leasing cost if they leased a similar conveyance in Canada.

This measure does not represent a net tax saving to importers nor a net tax revenue loss to the government, because the importers would otherwise be entitled to recover fully any GST paid on the importation through the input tax credit mechanism under the normal rules of the tax. However, the initiative results in a cash-flow benefit to importers and a corresponding cost to the government of forgone interest, since they would pay less tax at the time of importation.

Legal authority: *Excise Tax Act*, subsection 215(2) and section 277

Contact: Patrick Byrne, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-8907; Fax: (613) 995-8970.

Fin/94-54-I

Streamlined Accounting (GST) Regulations

These regulations are being amended to prescribe a simplified method for small businesses to determine their GST liabilities or refunds. A draft of the Regulations and related explanatory notes were released on March 30, 1993. The Regulations are also being amended to streamline the existing simplified accounting methods further. These changes were announced in June 1993 and were released in draft form, together with explanatory notes, at that time.

Legal authority: *Excise Tax Act*, sections 227 and 277

Contact: Patrick Byrne, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-8907; Fax: (613) 995-8970.

Fin/94-55-I

Financial Services (GST) Regulations

While financial transactions are exempt from the Goods and Services Tax (GST), administrative services are generally taxable. These regulations are being amended to clarify that prescribed exempt financial services for purposes of the Goods and Services Tax (GST) do not include clearing and settlement, or authorization services related to financial instruments such as cheques or to credit or charge card transactions, except when the service is provided under the national payments system of the Canadian Payments Association.

Legal authority: *Excise Tax Act*, paragraph (t) of the definition "financial service" in subsection 123(1) and section 277

Contact: Mandy Atwal-Black, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 943-0750; Fax: (613) 995-8970.

Fin/94-56-L

Debit and Credit Note Information (GST) Regulations

S.C. 1993, chapter 27 (Bill C-112) implemented amendments to the *Excise Tax Act* to recognize debit notes issued to suppliers by their business customers

as satisfactory evidence of adjustments to customers' accounts for purposes of the Goods and Services Tax (GST). Consequential amendments are required to these regulations to make reference to debit notes, as the Regulations currently refer only to the information to be contained in credit notes issued by suppliers. This initiative accommodates existing business practice in certain industries that commonly use debit notes. It therefore makes accounting for the GST easier for those businesses.

Legal authority: *Excise Tax Act*, sections 232 and 277

Contact: Philip Halliday, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 943-0619; Fax: (613) 995-8970.

Fin/94-57-I

Public Service Body Rebate (GST) Regulations

Under the Goods and Services Tax (GST), certain public service bodies – such as hospitals, schools, universities and municipalities – as well as charities and substantially government-funded non-profit organizations, are entitled to claim rebates of the GST they pay on their purchases for use in non-commercial activities. To qualify, non-profit organizations must satisfy a government-funding test set out in these regulations. The definition of “government funding” is being amended to clarify that it does not include loans from a government body (other than forgivable loans), because these are not in the nature of a grant or subsidy or because the subsidy element is too complex to measure. This amendment makes it easier to determine if potential rebate recipients are eligible.

As well, S.C. 1993, chapter 27 (Bill C-112) added authority under the *Excise Tax Act* to prescribe by regulation a simplified method for small public service bodies to determine these rebates.

The Regulations are being amended to set out that method. The amending act also added authority to prescribe by regulation government organizations that pay GST on their purchases and that would qualify as non-profit organizations, were they not Crown agents. These organizations will therefore be eligible to receive rebates as do other substantially government-funded non-profit organizations, provided they meet the government-funding test.

Finally, the Regulations are being amended to add an item to the list of prescribed property and services on which the public service body rebate is disallowed.

The additional item describes property and services acquired or imported by a public service body acting as the operator of a joint venture on behalf of other participants, where the parties have elected jointly to have the operator do all the GST accounting for the venture as if the acquisitions and importations were made by the operator in its own right. The public service body rebate is to be denied in respect of such property and services if any of the other participants in the venture are not eligible rebate recipients. This measure ensures that otherwise ineligible parties do not use the joint venture rules to gain the benefit of the rebate indirectly.

Legal authority: *Excise Tax Act*, sections 259 and 277

Contact: Glenda MacInnes, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-9963 Fax: (613) 995-8970.

Fin/94-58-L

Crown Agents (GST) Regulations

S.C. 1993, chapter 27 (Bill C-112) repealed the authority under which the Crown Agents (GST) Regulations were made. It also added the definition “specified Crown agent” in subsection 123(1) of the *Excise Tax Act* for purposes of the Goods and Services Tax (GST) under Part IX of that act. The definition “specified Crown agent” is to be prescribed by regulation to be the same list of federal Crown agents that appeared in the Crown Agents (GST) Regulations. These agents of the federal Crown are prescribed to ensure that, under the GST, they are treated the same as private-sector businesses. They include the CBC, the Bank of Canada and Crown corporations listed in Schedule III to the *Financial Administration Act*.

Legal authority: *Excise Tax Act*, definition of “specified Crown agent” in subsection 123(1) and section 277

Contact: Marc Grandisson, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-9615; Fax: (613) 995-8970.

Fin/94-59-I

Games of Chance (Lotteries) (GST) Regulations

Under the Goods and Services Tax (GST), lottery tickets and other rights to participate in games of chance that are conducted by prescribed registrants – that is, the provincial lottery corporations – are subject

to tax. However, the amount of tax remittable by these corporations is determined by a formula that effectively removes from the GST base the fiscal dividend of the lottery corporations that is available for distribution to governments or to grant recipients. S.C. 1993, chapter 27 (Bill C-112) amended the *Excise Tax Act* to provide authority to prescribe by regulation the manner by which provincial lottery corporations are to determine the amount of GST remittable in respect of lottery ticket sales and other games of chance. The Regulations are being amended to prescribe this formula and to add three new provincial corporations to the list of prescribed lottery corporations.

Legal authority: *Excise Tax Act*, sections 188 and 277

Contact: Marlene Starrs, Chief, Legislation Policy Section, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-4230; Fax: (613) 995-8970.

Fin/94-61-L

Taxes, Duties and Fees (GST) Regulations

Under the Goods and Services Tax (GST), provincial retail sales taxes and specific provincial taxes that apply at the retail level as a percentage of the final selling price of goods and services are prescribed by regulations to be excluded from the GST base, so that the federal tax does not apply on top of these provincial taxes. The Regulations require amendments to reflect provincial statutory changes.

Legal authority: *Excise Tax Act*, sections 154 and 277

Contact: Florence Schwartz, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 995-3359; Fax: (613) 995-8970.

Fin/94-62-I

Mail and Courier Imports (GST) Regulations

Under the Goods and Services Tax (GST), imported goods valued at \$20 or less and sent by mail or courier to recipients in Canada are generally exempt from tax at the border. However, exceptions are made for goods prescribed by regulation. One such exception is certain imported publications sent by mail or courier to customers in Canada. The suppliers, whether foreign or domestic, are required to register for GST purposes and collect the tax directly from their Canadian customers. Where the suppliers do register,

the publications are then exempt from tax at the time of importation. However, if a supplier fails to register as required, the publications are subject to GST at the border, regardless of their value. The Regulations are being amended to encompass audio-cassettes that accompany a foreign publication to ensure that they receive the same tax treatment as the publication.

The Regulations are also being amended to substitute a reference to "tobacco products" for the existing reference to "cigars, cigarettes and manufactured tobacco." The reference to "tobacco products" avoids ambiguities as to the definition of specific products.

Legal authority: *Excise Tax Act*, section 7 of Schedule VII and section 277

Contact: Philip Halliday, Tax Policy Officer, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 943-0619; Fax: (613) 995-8970.

Fin/96-33-M

Budget (GST) Regulations

Budgetary announcements made by the Minister of Finance before the end of 1996 may necessitate new regulations or amendments to existing regulations. The exact nature of the amendments, if any, is not yet known. It is therefore not possible to describe the benefits and costs. The budget documents will provide details of any impact.

Legal authority: *Excise Tax Act*

Contact: Marlene Starrs, Chief, Legislation Policy Section, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-4230; Fax: (613) 995-8970.

Fin/96-34-M

GST Regulations - Other

It may be necessary to make technical or housekeeping amendments to the Regulations. Other amendments to the Regulations may be needed to address problems that may develop; to implement tax policy changes announced by press release; to respond to court decisions; to reflect or respond to statutory changes; or to improve the wording, organization or numbering of the regulations. The exact nature of the amendments, if any, is not yet known. It is therefore not possible to describe the benefits and costs.

Legal authority: *Excise Tax Act*

Contact: Marlene Starrs, Chief, Legislation Policy Section, Sales Tax Division, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-4230; Fax: (613) 995-8970.

Federal-Provincial Relations and Social Policy

Fin/R-35-M

Federal-Provincial Fiscal Arrangements Regulations

The Minister of Finance occasionally makes recommendations to the Governor in Council to amend the regulations dealing with the fiscal equalization, fiscal stabilization and revenue guarantee programs. These amendments are usually technical and are usually introduced to improve the administration of these various programs.

The Regulations deal with the time and manner of determining and making payments to provincial governments in respect of fiscal arrangements programs. There are no compliance costs to the private sector, and there is no direct impact on the general public, businesses, the economy or markets in general. The exact nature of the amendments, if any, is not yet known. It is therefore not possible to describe the benefits and costs. The department consults the provinces before making amendments.

Legal authority: *Federal-Provincial Fiscal Arrangements Act*

Contact: Robert Murrell, Federal-Provincial Relations Division, Federal-Provincial Relations and Social Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0374; Fax: (613) 947-6476.

Fin/96-36-M

Canada Health and Social Transfer Regulations

A recommendation will be made by the Minister of Finance to the Governor in Council to promulgate new regulations dealing with the Canada Health and Social Transfer program. The Minister of Finance may also occasionally recommend that the Governor in Council amend these regulations.

The Regulations will deal with determining and making payments to provincial governments in respect of the Canada Health and Social Transfer

program. There are no compliance costs to the private sector, and there is no direct impact on the general public, businesses, the economy or markets in general. The exact nature of the regulation will depend on the outcome of discussions with the provinces and is not yet known. It is therefore not possible to describe the benefits and costs at this time.

Legal authority: *Federal-Provincial Fiscal Arrangements Act*

Contact: Robert Murrell, Federal-Provincial Relations Division, Federal-Provincial Relations and Social Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0374; Fax: (613) 947-6476.

Fin/R-37-I

Tax Collection Agreements and Federal Post-Secondary Education and Health Contributions Regulations, 1987

The Minister of Finance occasionally recommends that the Governor in Council amend the regulations dealing with tax collection agreements and established programs financing. These amendments are usually technical and are usually introduced to improve the administration of these various programs.

The Regulations deal with the time and manner of determining and making payments to provincial governments in respect of tax collection agreements and established programs financing. There are no compliance costs to the private sector, and there is no direct impact on the general public, businesses, the economy or markets in general. The department consults the provinces before making amendments.

Legal authority: *Federal-Provincial Fiscal Arrangements Act*

Contact: Robert Murrell, Federal-Provincial Relations Division, Federal-Provincial Relations and Social Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0374; Fax: (613) 947-6476.

Fin/94-69-L

Canada-Nova Scotia Offshore Revenue Equalization Offset Payments Regulations, 1993

The *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act* authorizes the Minister of Natural Resources to transfer to the Government of Nova Scotia an amount in respect of equalization

offset payments related to offshore revenue. These regulations will specify the time and manner of determining and making these payments. As these regulations are required by the Act, and simply implement its provisions, there is neither a cost nor a benefit associated with them.

Legal authority: *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*

Contact: Robert Murrell, Federal-Provincial Relations Division, Federal-Provincial Relations and Social Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 996-0374; Fax: (613) 947-6476.

Future Initiatives

Regulations Respecting Customs Bonded Warehouses

The Regulations Respecting Customs Bonded Warehouses outline the procedures for licensing and operating a bonded warehouse. These regulations include a section that describes the activities that may occur in a bonded warehouse without requiring the application of customs duties and GST on goods pending their export or entry into the Canadian market.

Legislation has been tabled that would provide new Governor in Council authority respecting the procedures for licensing and operating a bonded warehouse. Under the proposed new authority, the Ministers of Finance and National Revenue may, under certain circumstances, recommend to the Governor in Council changes to the activities allowed in a bonded warehouse. The bonded warehouse component of the duty deferral program allows Canadian business to be more competitive. It can create new trade opportunities and attract new business and investment.

Classification: Intermediate-cost initiative

Contact: Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Finance Canada, L'Esplanade Laurier, East Tower, 14th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-6881; Fax: (613) 995-3843.

Cost of Credit Disclosure

Harmonized cost of credit disclosure is a component of the consumer-related measures chapter of the Internal Trade Agreement signed July 18, 1994 by the provinces and the federal government. In the

Agreement, parties agreed to complete negotiations on harmonizing cost of credit disclosure by January 1, 1996 and to adopt harmonized legislation and regulations by January 1, 1997.

Relevant federal regulations are the Cost of Borrowing Regulations (SOR/92-318, SOR/92-319 and SOR/92-320) pursuant to the *Trust and Loan Companies Act*, the *Insurance Companies Act* and the *Bank Act*, and the Cost of Borrowing (Foreign Insurance Companies) Regulations (SOR/92-360) pursuant to the *Insurance Companies Act*. As well, new regulations will have to be implemented pursuant to the *Interest Act* once amendments to the *Interest Act* included in Bill C-88 are adopted. These amendments to the *Interest Act* will provide regulation-making authority for prescribing the manner of disclosing interest.

Classification: Intermediate-cost initiative

Contact: Martine Doyon, Chief, Policy Development Section, Financial Sector Division, Financial Sector Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 20th Floor, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-7056; Fax: (613) 943-8436.

Executive Compensation Regulations

The requirement that federal financial institutions disclose information regarding the compensation of their executives is a component of Bill C-100, which was tabled on June 20, 1995. Amendments to section 532 of the *Bank Act*, section 673 of the *Insurance Companies Act*, section 504 of the *Trust and Loan Companies Act*, and section 436 of the *Cooperative Credit Associations Act* make reference to information that an institution shall make available regarding the compensation of its executives, as that expression is prescribed by the regulations.

Classification: Intermediate-cost initiative

Contact: Lynn Hemmings, Economist, Financial Institutions Section, Financial Sector Division, Financial Sector Policy Branch, Finance Canada, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel.: (613) 992-0553; Fax: (613) 943-8436.

Content

Initiatives for 1996

Fish Health Protection Regulations - Rewrite	66
Fish Inspection Act - Rewrite	65
Fisheries Act	64
Oceans Act	65

General information

Roles and responsibilities

Under subsection 91(12) of the *Constitution Act*, 1867, the federal government has exclusive legislative jurisdiction over Canada's fisheries in coastal and inland waters. The Department of Fisheries and Oceans (DFO) is fully responsible for the management of all fisheries, both marine and freshwater. The administration and enforcement of fisheries legislation have been delegated, in varying degrees, to the provinces.

Cabinet's February 1995 decision to merge the Canadian Coast Guard with DFO will launch the Department in completely new directions. As a result, the Department's legislative framework will be reworked. The Department has adopted six new business lines:

- understanding and acquiring knowledge of the oceans;
- managing and protecting the fisheries resource;
- managing and protecting the marine environment;
- maintaining maritime safety;
- facilitating marine trade, commerce and ocean development; and
- advancing Canada's international fisheries and oceans interests.

Legislative changes will also be required to implement DFO's new approach to its core responsibilities, notably its movement away from the business of industry subsidy and fisheries development programs. The new legislation will enable the Department to operate more effectively under the aegis of government-industry partnerships and to create administrative boards that ensure that commercial rule violations can be dealt with through a cost-effective administrative sanctions process.

DFO's main legislative authority is the *Fisheries Act*. Under this act, regulations are established to control matters such as the timing, length and scope of fishing seasons; the type of harvesting equipment that may be used; catch quotas; and fish habitat protection. This act is being amended to accomplish the objectives set out in item F&O/96-1-M of this year's *Plan*.

Changes to be made to the *Fisheries Act* will ensure that DFO can respond quickly and effectively when managing complex, continuously evolving fisheries. All departmental regulations will therefore be streamlined when the new "order power" and strengthened licence conditions have been introduced in the Act.

With respect to foreign fishing vessels, the *Coastal Fisheries Protection Act* will be merged with the *Fisheries Act*, thus creating a single statute that governs both foreign and domestic fishing. All resource management and development will then fall under the revised *Fisheries Act*.

The repeal of statutes that are no longer necessary, or that will form part of new or revised statutes, is also an integral part of this legislative retooling exercise. To date, five statutes have been repealed. They are:

- *Saltfish Act*;
- *Fisheries Prices Support Act*;
- *Fisheries and Oceans Research Advisory Council Act*;
- *Northern Pacific Halibut Fisheries Convention Act*; and
- *Northern Pacific Fisheries Convention Act*.

Other statutes proposed for repeal are:

- *Fisheries Development Act* (with sections absorbed by the *Fisheries Act*);
- *Atlantic Fisheries Restructuring Act* (with sections absorbed by the *Fisheries Act*); and
- *Great Lakes Fisheries Convention Act*.

The *Oceans Act*, which was tabled in Parliament on June 14, 1995, will also consolidate ocean management programs and authorities (e.g., those for environmental protection and commercial shipping) that were transferred to the Minister of Fisheries and Oceans in the recent redesign of government operations. Consequential amendments to the *Navigable Waters Protection Act*, the *Canada Shipping Act* and the *Arctic Waters Pollution Prevention Act* may follow as DFO's mandate in this area is finalized.

Another important piece of legislation for which DFO is responsible is the *Fish Inspection Act*. Regulations made under this act ensure that fish are harvested and processed under approved hygienic conditions to protect the consumer. This statute will undergo significant revisions in the coming year, as outlined in item F&O/96-3-I of this year's *Plan*.

Legislative mandate

The following acts, identified by their chapter number in the last consolidation of federal statutes in 1985, are administered by the Department of Fisheries and Oceans:

- *Atlantic Fisheries Restructuring Act* (A-14) *
- *Coastal Fisheries Protection Act* (C-33) *
(to be merged with *Fisheries Act*)
- *Department of Fisheries and Oceans Act* (F-15) **
- *Fish Inspection Act* (F-12) **
- *Fisheries Act* (F-14) **
- *Fisheries Development Act* (F-21) *
- *Fisheries Improvement Loans Act* (F-22)
- *Fishing and Recreational Harbours Act* (F-24)
- *Freshwater Fish Marketing Act* (F-13)
- *Great Lakes Fisheries Convention Act* (F-17) *
- *Territorial Sea and Fishing Zones Act* (T-8) *
(to be replaced by the *Canada Oceans Act*)

* Acts slated for repeal in coming year

** Acts that will be revised in the coming year

Initiatives for 1996

F&O/96-1-M

Fisheries Act

As a result of regulatory and program reviews, and a departmental reorganization announced in the February 1995 Budget, DFO is continuing to re-engineer itself. This exercise will require important changes to the *Fisheries Act* by 1996. The amendments to the Act, which will consolidate authorities for resource management under a single statute and reflect DFO's new approach to fisheries management, will:

1. Introduce new regulatory instruments

DFO's new order power should increase the effectiveness of fisheries management by allowing managers to respond quickly and effectively when threats to the resource demand it. The order power will allow the Minister, or his or her designate, to set close times, quotas, and size and weight limits for fish. Combined with the expanded use of licence

conditions, this will minimize DFO's reliance on the regulatory process and create a regulatory regime that is both responsive and effective.

With the shift to new regulatory instruments, most regulations made under the *Fisheries Act* will be revised in the next two years, an exercise that could reduce total regulatory volume by more than 50 per cent. For example, the British Columbia Sport Fishing Regulations, which are currently 103 pages long, would be reduced to 15 pages without any dilution of the Minister's ability to ensure conservation and protection of fish. As part of the revision of regulations, licence fees will be increased in many cases.

Because of the amendments to the Act, the following regulatory amendments that were forecast in the 1995 *Federal Regulatory Plan* have either been delayed or become part of larger revision packages:

- The Atlantic Fishery Regulations, 1985 (F&O/95-2-N-L), which will be rewritten, may absorb the following entries from last year's *Plan*: F&O/95-3-N-L (Close Times and Licence Requirements), F&O/95-4-N-L (Lobster Traps), F&O/95-5-N-L (Commercial Fishing near Quebec Salmon Rivers), F&O/95-6-N-L (Whelk Minimum Size) and F&O/95-8-N-L (Tour Boat Operations, Possession Limits, and Catch and Release Provisions);
- The British Columbia Sport Fishing Regulations Rewrite (F&O/95-10-N-L);
- The Fishery (General) Regulations (F&O/95-13-N-L) - Fisheries Data Reporting and Record-Keeping;
- Amendments to the Maritime Provinces Fishery Regulations in 1996 will also include the following entries from last year's *Plan*: F&O/95-16-N-L (Recreational Eel Fishery), F&O/95-17-N-L (Recreational Fishing Restrictions in Nova Scotia), F&O/95-18-N-L (Ice Fishing in P.E.I.) and F&O/95-19-N-L (Trout Minimum Length in P.E.I.);
- The Newfoundland Fishery Regulations Rewrite (F&O/95-21-N-L);
- The Pacific Fishery Regulations, 1993 (F&O/95-23-N-L) - Commercial Fishery Review; and
- The Yukon Territory Fishery Regulations Rewrite (Future Initiatives, 1995).

2. Create a more effective penalty system

An administrative sanctions process is being proposed to provide administrative penalties for fisheries violations.

A broad range of penalties would be made available to an arm's-length tribunal as a deterrent to illegal fishing. These include licence suspensions or cancellations; prohibitions on applying for licences in the future; quota reductions in future years; forfeitures of vessels, gear and illegally caught fish; and monetary penalties up to a maximum of \$15,000 to be prescribed by regulation. Fine levels for the ticketing system now being studied will be established in most regulations made pursuant to the *Fisheries Act*.

3. Provide a single, integrated framework for the management of domestic and foreign fisheries

Integration of the *Fisheries Act* and the *Coastal Fisheries Protection Act* would provide one comprehensive legislative framework for both domestic and foreign fisheries. Integration would also merge the enforcement regimes established under both acts. Legislative changes are also required to permit Canada to enter into reciprocal enforcement agreements with other countries. The *Coastal Fisheries Protection Regulations* will be revised and made under the *Fisheries Act*.

4. Facilitate revenue generation and cost-sharing with industry

The amendments to the Act will also provide :

- express authority for DFO to charge users for a wide range of services, such as licence appeals and quota transfers;
- a sound legal basis for dockside monitoring; and
- express authority for DFO to enter into "partnering" agreements with organizations that represent licence holders and other groups, subject to a ministerial override for conservation reasons.

Licence fee increases are also being studied at this time.

5. Repeal the *Coastal Fisheries Protection Act*, the *Atlantic Fisheries Restructuring Act*, the *Fisheries Development Act* and the *Great Lakes Fisheries Convention Act*

Legal authority: *Fisheries Act*

Contact: Ted Gale, Director, Legislation and Regulatory Affairs, Strategic Policy and Planning, Fisheries and Oceans, Station 1134, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel.: (613) 993-2507; Fax: (613) 990-9574.

F&O/96-2-L

Oceans Act

The *Oceans Act*, which was tabled in Parliament on June 14, 1995, will establish a contiguous zone (24 nautical miles) and an exclusive economic zone (200 nautical miles) in keeping with the provisions of the United Nations Convention on the Law of the Sea. The proposed act will enable the Minister of Fisheries and Oceans to designate marine protected areas and to enter into agreements with provinces and other stakeholders to implement regional plans developed pursuant to a proposed oceans management strategy. It will also serve as the authority under which Canada exercises its jurisdiction over its ocean areas.

The Act will also consolidate ocean management programs and authorities (e.g., those for environmental protection and commercial shipping) that were transferred to the Minister of Fisheries and Oceans in the recent redesign of government operations.

Legal authority: *Oceans Act*

Contact: Gerry Swanson, Director General, Habitat Management and Environmental Sciences Directorate, Fisheries and Oceans, Station 1106, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel.: (613) 991-1208.

F&O/96-3-I

Fish Inspection Act - Rewrite

The *Fish Inspection Act* and the *Fish Inspection Regulations* will be amended by April 1996 to establish broader regulatory authorities, to update the current regulations and to prescribe new fees.

The *Fish Inspection Regulations* (see F&O/95-12-O-I in the 1995 *Federal Regulatory Plan*) have been amended several times over the past 26 years to deal with specific needs as they arose. During that time, however, no broad review had been undertaken. There is a need to ensure that these regulations are compatible with Canada's international trade obligations, taking into consideration developments in international standards for fish and fish products. In addition, changes are needed to ensure greater consistency with other federal food regulations and to reflect technological developments in the food processing industry.

Taken together, the changes will enhance the industry's international competitiveness by ensuring the regulations allow for innovative products and processes. The changes will also address consumer

concerns regarding health and the safety of fish products.

This initiative will also include new cost recovery measures.

Legal authority: *Fish Inspection Act*

Contact: B.J. Emberley, A/ Assistant Deputy Minister, Industry Services, Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel.: (613) 990-0144; Fax: (613) 993-4220.

F&O/95-11-L

Fish Health Protection Regulations - Rewrite

The Fish Health Protection Regulations are being amended following national consultations with all interested parties. Amendments are required to ensure that the necessary powers are in place to prevent the introduction and spread of infectious diseases of aquatic organisms. The Regulations' application will be expanded to all species of finfish (not just salmonids). There will also be new requirements related to: notification of some disease agents; inspection and testing of fish; treatment and eradication of diseases; disposal and destruction of stocks; and quarantine and isolation of stocks. The Manual of Compliance to the Regulations will be amended to include new data on diagnostic technologies and guidelines for fish disease emergency procedures, quality assurance and quality control in diagnostic laboratories, and appeal procedures.

Economic impacts of these amendments include reduced disease inspection requirements for some commodities. Shipments of eggs or fish that are not permitted now could be permitted between zones of equal health status. The costs for disease inspections required under the Regulations will shift from government to the private sector. Changes that result in increased costs to the private sector will be phased in to minimize the impact on industry.

Legal authority: *Fisheries Act*, section 43

Contact: T.G. Carey, Senior Policy/Program Advisor, Aquaculture and Habitat Science Branch, Fisheries and Oceans, Ottawa, Ontario, K1A 0E6. Tel.: (613) 990-0273; Fax: (613) 954-0807.

Foreign Affairs and International Trade Canada

Content

Initiatives for 1996

Area Control List.....	68
Export Control List	67
Export Permit Regulations	68
General Export Permits	68
General Import Permit - Textiles and Textile Articles.....	69
Import Control List - Textiles And Textile Articles.....	68
Import Control List - Steel Import Monitoring	67
Privileges and Immunities Order.....	69
Regulations to Implement the Agreement Reached Under the NAFTA on the Accession of Chile.....	69
Regulations to Implement the Canada/Israel Free Trade Agreement.....	69
Regulations to Implement the <i>Chemical Weapons Convention Implementation Act</i>	69

General information

Roles and responsibilities

Foreign Affairs and International Trade Canada (FAIT) promotes and protects Canadian interests abroad and manages Canada's external relations. Major components of the program are foreign policy priorities and coordination; international trade development; international trade, economic and aid policy; political and international security affairs; legal, immigration and consular affairs; communication and culture; bilateral relations and operations; operational support; and human resource planning and administration.

Legislative mandate

Foreign Affairs and International Trade Canada derives legislative authority from the *Department of Foreign Affairs and International Trade Act*, which authorizes regulations for consular services cost recovery. In the economic field, the *Export and Import*

Permits Act gives the government the authority to control and monitor the transborder flow of specified goods. Other enabling legislation governing Canada's international obligations includes:

- *Chemical Weapons Convention Implementation Act*
- *Diplomatic and Consular Privileges and Immunities Act*
- *Food and Agriculture Organization of the United Nations Act*
- *International Boundary Waters Treaty Act*
- *Privileges and Immunities (International Organizations) Act*
- *Rainy Lake Watershed Emergency Control Act*
- *Roosevelt Campobello International Park Commission Act*
- *United Nations Act*
- *United Nations Air Services Act*

Initiatives for 1996

FAIT/96-1-L

Import Control List - Steel Import Monitoring

An import monitoring program is in place for carbon and specialty steel. Under this program, permits (which are issued on request, for a processing fee) are required for all imports of such steel exceeding \$5,000 in value. The purpose of the program is to obtain timely and accurate information on imports in the context of world steel trade conditions that are characterized by surplus supply, depressed markets, and widespread non-tariff barriers to trade. The program is scheduled to expire on August 31, 1996, unless it appears advisable to extend it; no decision has been taken on this matter yet.

Legal authority: *Export and Import Permits Act*, section 6, subsection 5.1(1)

Contact: Michel R. Bélanger, Deputy Director, Special Trade Policy Division, Foreign Affairs and International Trade Canada, Ottawa, Ontario, K1A 0G2. Tel.: (613) 995-2744; Fax: (613) 996-0612.

FAIT/R-1-L

Export Control List

This regulatory initiative is intended to address amendments to the national and international export

controls as detailed in the Export Control List of April 1994.

These changes will result in a new Export Control List covering Canada's bilateral and multilateral international agreements, particularly in light of changes made to the Coordinating Committee for Multilateral Strategic Export Controls (COCOM), the establishment of a New Forum in the post-COCOM environment and changes made to the various non-proliferation regimes including the Nuclear Suppliers Group, the Missile Technology Control Regime, the Australia Group and the Chemical Weapons Convention.

Legal authority: *Export and Import Permits Act*, sections 3 and 6

Contact: Thomas E. Jones, Deputy Director (Technology), Export Controls Division (EPE), Foreign Affairs and International Trade Canada, Ottawa, Ontario, K1N 9K6. Tel.: (613) 996-0197; Fax: (613) 996-9933; Internet: thomas.jones@extott14.x400.gc.ca

FAIT/R-2-L

General Export Permits

This regulatory initiative is intended to amend the existing General Export Permits (GEP) to be consistent with changes being made to the Export Control List in 1996.

These changes will amend current regulations to help streamline the export control process for the benefit of the Canadian exporting community.

Legal authority: *Export and Import Permits Act*, section 7

Contact: Thomas E. Jones, Deputy Director (Technology), Export Controls Division (EPE), Foreign Affairs and International Trade Canada, Ottawa, Ontario, K1N 9K6. Tel.: (613) 996-0197; Fax: (613) 996-9933; Internet: thomas.jones@extott14.x400.gc.ca

FAIT/R-3-L

Export Permit Regulations

This regulatory initiative will amend the Export Permit Regulations to bring them up to date and reflect the new period of validity of permits and the new permit application form. These changes will result in consistency with current practices.

Legal authority: *Export and Import Permits Act*, section 12

Contact: Thomas E. Jones, Deputy Director (Technology), Export Controls Division (EPE), Foreign Affairs and International Trade Canada, Ottawa, Ontario, K1N 9K6. Tel.: (613) 996-0197; Fax: (613) 996-9933; Internet: thomas.jones@extott14.x400.gc.ca

FAIT/R-4-L

Area Control List

This regulatory initiative will amend the existing Area Control List (ACL) to make it consistent with changes in Canadian policy.

The United Nations and other international organizations of which Canada is a member occasionally pass resolutions to impose or lift trade embargoes or sanctions against countries. Changes to the Area Control List will be made in a timely manner to effectively implement Canadian policy.

Legal authority: *Export and Import Permits Act*, section 6

Contact: Thomas E. Jones, Deputy Director (Technology), Export Controls Division (EPE), Foreign Affairs and International Trade Canada, Ottawa, Ontario, K1N 9K6. Tel.: (613) 996-0197; Fax: (613) 996-9933; Internet: thomas.jones@extott14.x400.gc.ca

FAIT/96-3-L

Import Control List - Textiles And Textile Articles

The list of textiles and textile articles on the Import Control List will be replaced with a list of goods based on the Harmonized Commodity Description and Coding System. This will facilitate our commitment under the World Trade Organization, the North American Free Trade Agreement, the *Customs Tariff* and other intergovernmental textile trade arrangements.

Legal authority: *Export and Import Permits Act*, section 6

Contact: Greig Lund, Special Trade Policy Division, Export and Import Permits Bureau, Foreign Affairs and International Trade Canada, Ottawa, Ontario, K1N 9K6. Tel.: (613) 995-5775; Fax: (613) 995-5137.

FAIT/96-2-L

General Import Permit - Textiles and Textile Articles

General Import Permits for yarns and fabrics (number 102) and for apparel goods and other textile articles (number 106) will be revised to refer to these goods using the international Harmonized Commodity Description and Coding System.

Legal authority: *Export and Import Permits Act*, sections 8(1) and 10

Contact: Greig Lund, Special Trade Policy Division, Export and Import Permits Bureau, Foreign Affairs and International Trade Canada, Ottawa, Ontario, K1N 9K6. Tel.: (613) 995-5775; Fax: (613) 995-5137.

FAIT/R-5-L

Privileges and Immunities Order

To respect its international obligations, the Government of Canada is obliged to grant privileges and immunities to different international organizations exercising some activities in Canada, as well as to representatives of member states and to the officials of these organizations who are neither citizens nor permanent residents of Canada. Canada is also obliged to grant privileges and immunities to the organizers of and participants in international conferences taking place in Canada to such extent as may be required for the exercise of their functions.

Legal authority: *Foreign Missions and International Organizations Act*, S.C. 1991, chapter 41, article 5

Contact: Donald W. Smith, Director, Legal Advisory Division, Foreign Affairs and International Trade Canada, Ottawa, Ontario, K1N 9K6. Tel.: (613) 992-6296; Fax: (613) 944-0870.

FAIT/96-5-M

Regulations to Implement the Agreement Reached Under the NAFTA on the Accession of Chile

Depending on the outcome of the negotiations on the accession of Chile to the North American Free Trade Agreement, it may be necessary for responsible departments to adopt new regulations or to amend existing ones under a number of acts, including the *Customs Act*, the *Customs Tariff*, the *Export and Import Permits Act*, the *Food and Drugs Act*, the *Immigration Act*, the *Investment Canada Act*, the *Meat Inspection Act*,

the *National Energy Board Act*, and the implementing legislation for the agreement.

Legal authority: *Foreign Missions and International Organizations Act*, S.C. 1991, chapter 41, article 5

Contact: Jonathan T. Fried, Principal Counsel, Trade Law Division, Foreign Affairs and International Trade Canada, Ottawa, Ontario, K1A 0G2. Tel.: (613) 944-9175; Fax: (613) 944-3213.

FAIT/96-4-M

Regulations to Implement the Canada/Israel Free Trade Agreement

Depending on the outcome of negotiations on a free trade agreement between Canada and Israel, it may be necessary for responsible departments to adopt new regulations or to amend existing ones under a number of acts, including the *Customs Act*, the *Customs Tariff*, and the implementing legislation for the agreements.

Legal authority: *Foreign Missions and International Organizations Act*, S.C. 1991, chapter 41, article 5

Contact: Jonathan T. Fried, Principal Counsel, Trade Law Division, Foreign Affairs and International Trade Canada, Ottawa, Ontario, K1A 0G2. Tel.: (613) 944-9175; Fax: (613) 944-3213.

FAIT/95-10-I

Regulations to Implement the Chemical Weapons Convention Implementation Act

The Secretary of State for External Affairs signed the Chemical Weapons Convention (CWC) in January 1993. Legislation implementing the CWC in Canada received Royal Assent in July 1995. New regulations governing the conduct of inspections and the collection of data under the proposed legislation will be required. Additionally, it may be necessary for responsible departments to adopt new regulations or to amend existing ones under other acts. These may include the *Export and Import Permits Act* and the *Customs Act*.

Legal authority: *Chemical Weapons Convention Implementation Act*, sections 11 and 18

Contact: J.T. Boehm, Chemical Weapons Convention National Authority, Foreign Affairs and International Trade Canada, Ottawa, Ontario, K1A 0G2. Tel.: (613) 944-0473; Fax: (613) 944-1835.

Content

Initiatives for 1996

Health Protection Branch

Drugs Directorate

Conjugated Estrogens	76
Controlled Drugs and Substances Regulations.....	76
Cosmetic Program Fees Regulations	75
Cosmetics Regulations - Ingredient Labelling for Cosmetics	73
Drug Evaluation Fee-Link to Performance Standards.....	76
Drug Evaluation Fees Regulations - Amendments.....	75
Drug Identification Number (DIN) Information Requirements	74
Drug Regulatory Review Initiatives	77
Establishment Licences Fees Regulations.....	74
Food and Drug Regulations: Revocation of Division 10.....	77
Food and Drug Regulations - Addition of Schedule J and Regulation of Blood Test Kits	77
Food and Drug Regulations - Drug Colouring Agents - Additions, Deletions and Corrections.....	78
Food and Drug Regulations - Housekeeping Changes	78
<i>Food and Drugs Act</i> , Schedule B - Addition of European Pharmacopoeia (EP)	74
<i>Food and Drugs Act</i> and Regulations Schedules A, D, G and F - Additions and Corrections	78
<i>Food and Drugs Act</i> and Regulations - Schedules A, D, G, F and H - Deletions.....	78
Good Manufacturing Practices for Biologics and Radiopharmaceuticals.....	73
Import and Export of Narcotic and Controlled Drugs Fees Regulations.....	75

Marketed Drugs - Changes.....	76
Restricted and Narcotic Drugs.....	78
Therapeutic Donor Insemination Regulations	75
Environmental Health Directorate	
Carriages and Strollers Regulations.....	82
Computed Tomography X-ray Equipment	81
Consumer Chemicals and Containers Regulations - Revision	84
Controlled Products Regulations - WHMIS Exclusions Reviews	81
Cribs and Cradles Regulations - Safety	85
Hazardous Products (Glazed Ceramics) Regulations	84
Hazardous Products (Liquid Coating Materials) Regulations - Revision.....	85
<i>Hazardous Products Act</i> and Regulations - Housekeeping Amendments	86
Laser Equipment - Standard	79
Medical Devices Program - Cost Recovery	82
Medical Devices Regulations: Schedule I - Contraceptive Devices.....	83
Medical Devices Regulations - Condoms.....	80
Medical Devices Regulations - Export Certificates.....	85
Medical Devices Regulations - Housekeeping Amendments	86
Medical Devices Regulations - In-Vitro Diagnostic Test Devices - Standard for Labelling.....	80
Medical Devices Regulations - Investigational Testing - Sale of a Device	83
Medical Devices Regulations - Menstrual Tampons - Labelling Requirements	79
Medical Devices Regulations - Renewal.....	83
Medical Devices Regulations - Single-Use Insulin Syringes.....	81
Medical Devices Regulations - Soft Contact Lenses - Labelling Requirements.....	79

Radiation Emitting Devices Regulations - Analytical X-ray Equipment	82	<u>Medical Services Branch</u>	
Radiation Emitting Devices Regulations - Diagnostic X-ray Equipment	80	Occupational And Environmental Health Directorate	
Radiation Emitting Devices Regulations - Housekeeping Amendments	86	Regulatory Program - Cost Recovery Initiative.....	91
Tobacco Products Control Regulations - Housekeeping Amendments	86	<u>Pest Management Regulatory Agency</u>	
Tobacco Sales to Young Persons Regulations - Housekeeping Amendments	87	Pest Control Products Regulations - Scheduling of Products for Use in Apiculture	92
Food Directorate		Pest Control Products Regulations - Cost Recovery	92
Composition of and Standards for Cocoa Products.....	88	Pest Control Products Regulations - Registration Criteria Clarification	92
Emergency Regulations - Foods.....	91	Future initiatives	
Food Allergens - Labelling Regulations to Minimize Adverse Reactions	90	<u>Health Protection Branch</u>	
Food and Drug Regulations - Routine Enabling Amendments.....	90	Drugs Directorate	
Food and Drug Regulations - Bottled Water	87	Blood Renewal Projects and Blood Inquiry	93
Food and Drug Regulations - Foods for Use in Weight-Reduction Diets.....	87	Drug Programme - Cost Recovery Initiatives.....	94
Food and Drug Regulations - Importation of Unapproved Veterinary Drugs for Use in Food-Producing Animals - Restrictions.....	90	Food and Drug Regulations - Drug Categorization.....	93
Food and Drug Regulations - Interim Marketing Authorization	89	Food and Drug Regulations - Special Access Scheme - Emergency Drug Release Program	93
Food and Drug Regulations - Microbiological Standards for Cheese	88	Human Tissue and Organs.....	93
Food and Drug Regulations - Novel Foods and Novel Food Processes	89	Investigational New Drug Submissions	93
Food and Drug Regulations - Veterinary Drug Residues in Foods	91	Post-Approval Drug Regulations.....	94
Food Regulations - Housekeeping Amendments.....	91	Environmental Health Directorate	
Food-Producing Animals - Prohibition of Clenbuterol Use	90	Diagnostic Ultrasound Devices.....	95
Good Manufacturing Practices Regulations for Foods.....	88	<i>Drinking Water Safety Act</i>	95
Herbs and Botanical Preparations	87	Hazardous Products (Charcoal) Regulations - Revision	95
Initiatives Resulting from the Departmental Regulatory Review	88	Medical Devices Regulations - Hospital Beds	94
Veterinary Drug Program - Cost Recovery.....	89	Radiation Emitting Devices Regulations - Baggage Inspection X-ray Devices	94
		Food Directorate	
		Food and Drug Regulations - Nutrition Labelling and Nutrient Content Claims.....	96
		<u>Medical Services Branch</u>	
		Occupational and Environmental Health Directorate	
		Food, Water and Sanitation Regulations for Common Carriers	96

Pest Management Regulatory Agency

Pest Control Products Act - Regulations96

General information

Roles and responsibilities

Health Canada's business plan for 1995 to 1998 outlines four major business lines for the department, health system support and renewal; delivery of services to First Nations, Inuit and Yukon; population health strategies – groups at risk; and management of risks to health of Canadians – products and disease control. The business line dealing with management of risks to the health of Canadians in the area of products and disease control protects and improves the well-being of Canadians by defining, assessing and managing risks to health associated with: the food supply; the manufacture, sale and use of drugs; the environment (including the workplace); consumer products; medical devices; tobacco; disease threats; and natural and civilian disasters.

The major strategies in this business line include:

- a renewed approach to regulation and compliance that maintains health benefits while strengthening competitiveness;
- increased sharing of responsibility for costs and management of risks;
- introduction of major cost efficiencies, including rationalization of laboratory capacity; and
- cost recovery and improved service performance.

Recent organizational changes have added the reform of the pesticide regulatory system which in 1995 Budget identified as a need, and the Pest Management Regulatory Agency to the department's responsibilities.

The broad public health activities of this business line are mandated by federal legislation as well as by federal, provincial and territorial agreements.

Globalization, demographic and societal trends are increasing pressure on the department. It must rapidly review new products and substances. Scientific and technical advances such as biotechnology and new reproductive technologies are opening up new fields. Demographic changes are also increasing demand in such areas as novel foods and alternative medicines.

It is impossible to assure Canadians of a totally risk-free environment. The goal of the department is to minimize the probabilities of occurrence of adverse outcomes in those areas where the risk is greatest.

There is also a need to ensure that information is available to allow governments, consumers and industry to assume appropriate responsibilities for managing risks.

Health Canada, industry and consumers will continue to share responsibility for the safety of marketed products. Industry has the responsibility to produce safe products that comply with the legislative requirements. Consumers have a responsibility to use these products safely, as they were intended to be used. Health Canada monitors the safety of marketed products and, where appropriate, regulates to ensure consumers have access to safe and effective products.

The **Health Protection Branch** identifies, advises on, assesses and manages risks to human health associated with food, drugs, cosmetics, medical devices, radiation-emitting devices, pesticides, consumer products, and materials in the workplace and in the man-made and natural environment. It also monitors the occurrence and causes of communicable and non-communicable diseases.

The Occupational and Environmental Health Directorate, **Medical Services Branch**, monitors equipment and facilities serving the travelling public and on federal property open to the public. These include common carrier conveyances, such as aircraft, trains, cruise ships and ferries; their ancillary services, such as flight kitchens; and federal properties, such as national parks and historic sites.

As a key element in the reform of the pesticide regulatory system, which the 1995 Budget identified as a need, a new **Pest Management Regulatory Agency (PMRA)** was established within Health Canada on April 1, 1995. At the same time, responsibility for administering the *Pest Control Products Act* (PCPA) and the *Pesticide Residue Compensation Act* was transferred from the Minister of Agriculture and Agri-Food to the Minister of Health. The PMRA consolidates the responsibilities and resources for pest management regulation that had previously been distributed among four departments. One of the key initiatives will be to introduce amendments to the PCPA to provide a modern legislative foundation for the federal pesticide regulatory system. Another will be to implement a cost recovery regime, designed to distribute the costs of the regulatory system equitably among its beneficiaries, including manufacturers, users of pesticides and the public. The PMRA will also introduce measures to increase the efficiency of its operations and will establish service standards for its

major activities. At the same time, it will increase public participation in its decision-making processes.

Legislative mandate

The acts administered in whole or in part by the Minister of Health Canada are:

- *Canada Health Act*
- *Canada Medical Act*
- *Canadian Environmental Protection Act*
- *Canadian Centre on Substance Abuse*
- *Department of National Health and Welfare Act*
- *Federal Provincial Fiscal Arrangements and Federal Post Secondary Education and Health Contributions Act*
- *Fitness and Amateur Sport Act*
- *Food and Drugs Act*
- *Hazardous Products Act*
- *Health Resources Fund Act*
- *Medical Research Council Act*
- *Narcotic Control Act*
- *Patent Act*
- *Pest Control Products Act*
- *Pesticide Residue Compensation Act*
- *Quarantine Act*
- *Queen Elizabeth II Canadian Research Fund Act*
- *Radiation Emitting Devices Act*
- *Sport Pool and Loto Canada Winding up Act*
- *Tobacco Sales to Young Persons Act*
- *Tobacco Products Control Act*

Administrative arrangements

- *Aeronautics Act*
- *Atomic Energy Control Act*
- *Broadcasting Act*
- *Canada Labour Code*
- *Canadian Shipping Act*
- *Energy Supplies Emergency Act*
- *Excise Tax Act*
- *National Parks Act*
- *Railway Act*
- *Trade Marks Act*

Initiatives for 1996

Health Protection Branch

HCan/95-2-M

Good Manufacturing Practices for Biologics and Radiopharmaceuticals

This regulatory initiative will propose that manufacturers of all drugs listed on Schedule C and D to the *Food and Drugs Act* comply with the

requirements of Division 2 of the Food and Drug Regulations.

At present, regulatory requirements for good manufacturing practices (GMP) do not exist for Schedule C or D drugs. As a condition for issuing and continuing a licence, the Department will conduct periodic on-site inspections of manufacturing facilities to ensure adherence to GMP, thereby establishing a common, minimum manufacturing standard that will be applied to all drugs in addition to any product-specific requirements.

The department consulted all segments of the affected industry, professional associations and consumer groups on the original proposal through the Information Letter Process.

This proposal will also make it necessary for manufacturers to possess a valid establishment licence to sell drugs. The licensing process will facilitate compliance and enforcement efforts by providing the authorities with readily accessible information on drug manufacturing facilities. Manufacturers will benefit from a clearer and more efficient regulatory scheme, and Canadian standards will be harmonized with those of other countries.

Legal authority: *Food and Drugs Act*, section 30

Contact : Kent Major, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HC/94-27-1

Cosmetics Regulations - Ingredient Labelling for Cosmetics

This initiative would amend the Cosmetic Regulations to the *Food and Drugs Act* to require the qualitative declaration of all ingredients on cosmetics labels. The department has consulted all segments of the affected industry, professional associations and consumer groups through the Information Letter Process.

This initiative would give consumers and others access to information that may help them prevent, diagnose or treat adverse reactions to cosmetics, which can be serious and are often distressing and painful to the individual affected.

The cost of amending the labels of cosmetic products will be outweighed by the benefit to consumers who have serious reactions to even small amounts of cosmetic ingredients. The costs to manufacturers will

be minimized by deferred implementation of the regulatory amendments.

Legal authority: *Food and Drugs Act*, section 30

Contact: Lauraine Begin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HCan/95-15-L

Drug Identification Number (DIN) Information Requirements

This initiative would introduce decision criteria and data requirements for Drug Identification Number (DIN) products not in New Drug Status. These criteria and data requirements would be tailored to risk/benefit assessment.

This regulatory amendment will require manufacturers to notify the Drugs Directorate before the sale of the product when the product's use or purpose, or the recommended dosage, has changed. This will ensure that proposed new uses or dosages for a drug product are reviewed and approved before the product is put on the market.

In addition, this proposal will provide a regulatory framework for managing and screening information submitted to the Drugs Directorate to gain market authorization for drugs.

There should be a minimal cost impact for industry since the information must be filed anyway. Any additional costs will be more than offset by facilitating the review process. Canadians will benefit from this initiative through the more timely availability of new drug therapies.

Manufacturers are aware of the initiative as the practice is currently encouraged through Drugs Directorate guidelines. Prepublication in Part I of the *Canada Gazette*, is expected in the last quarter of 1996. The major pharmaceutical associations have been consulted and agree in principle with this proposal.

Legal authority: *Food and Drugs Act*, section 30

Contact: Lauraine Begin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HCan/95-17-L

Food and Drugs Act, Schedule B - Addition of European Pharmacopoeia (EP)

Schedule B to the *Food and Drugs Act* is a list of official publications containing standards with which drugs may comply if a standard has not been prescribed for those drugs in the Food and Drug Regulations. The publications in Schedule B are revised regularly to include updated data respecting drug monographs.

This proposal will provide for the addition of the European Pharmacopoeia to Schedule B of the Food and Drugs Regulations, thus providing manufacturers with an additional reference standard. This initiative was requested by drug manufacturers as a result of consultation on a previous amendment to Schedule B of the *Food and Drugs Act*.

Legal authority: *Food and Drugs Act*, section 30

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HCan/96-1-M

Establishment Licences Fees Regulations

The Drugs Directorate announced, in Health Protection Branch Information Letter No. 748, its intention to charge fees for service. Such fees are the norm in other countries and have been government policy in Canada for a number of years.

This proposal will establish fees for issuing establishment licences and for verifying compliance with good manufacturing practices (GMP) and quality standards for marketed drugs. A proposal to begin charging fees for establishment licences in April 1996 will be submitted to Treasury Board in October 1995. This initiative will be published in Part I of the *Canada Gazette*, in early 1996. Health Canada will follow Treasury Board policy on charging fees, as well as the consultation requirements of the regulatory process.

Companies may wish to anticipate this initiative by including an allocation in their budgets to cover annual licence fees to start in April 1996. Further details will be provided in the *Canada Gazette*.

Legal authority: *Financial Administration Act*, section 19

Contact: Kent Major, Risk Management and Regulatory Affairs Division, Drugs Directorate,

Health Protection Branch, Health Canada, Ottawa,
Ontario, K1A 0L2. Tel.: (613) 957-0372;
Fax: (613) 941-6458.

HCan/96-2-L

Import and Export of Narcotic and Controlled Drugs Fees Regulations

The Drugs Directorate announced, in Health Protection Branch Information Letter No. 748, its intention to charge fees for service. Such fees are the norm in other countries and have been government policy in Canada for a number of years.

This proposal will establish fees for issuing import or export certificates for narcotic and controlled drugs. A proposal to charge fees for this service will be submitted to Treasury Board as soon as possible. Health Canada will follow Treasury Board policy on charging fees, as well as the consultation requirements of the regulatory process. It is anticipated that the proposed fees will become law in 1996.

Companies may wish to anticipate this initiative by including an allocation in their budgets to cover the cost of these certificates. Further details will be provided in the *Canada Gazette* and through direct communication with stakeholders.

Legal authority: *Financial Administration Act*, section 19

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372;
Fax: (613) 941-6458.

HCan/96-3-M

Cosmetic Program Fees Regulations

This proposal will establish fees for the service supplied by the cosmetic program of the Drugs Directorate. A proposal to charge fees for this service will be submitted to Treasury Board as soon as possible. Health Canada will follow Treasury Board policy on charging fees, as well as the consultation requirements of the regulatory process. It is anticipated that the proposed fees will become law in 1996.

Companies may wish to anticipate this initiative by including an allocation in their budgets to cover the cost of this service. Further details will be provided in the *Canada Gazette* and through direct communication with stakeholders.

Legal authority: *Financial Administration Act*, section 19

Contact: Dr. George Jarvis, Chief, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372;
Fax: (613) 941-6458.

HCan/96-4-M

Drug Evaluation Fees Regulations - Amendments

This proposal will add fees for evaluating the safety of minor changes made by manufacturers to new drugs, as currently outlined in the Drugs Directorate Policy "Changes to Marketed New Drug Products." This proposal is in keeping with Treasury Board policy. It is anticipated that the proposed fees will be published in Part I of the *Canada Gazette*, in early 1996.

Companies may wish to anticipate this initiative by including an allocation in their budgets to cover the cost of this service. Further details will be provided in the *Canada Gazette* and through direct communication with stakeholders once the details are better defined.

Legal authority: *Financial Administration Act*, section 19

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372;
Fax: (613) 941-6458.

HCan/96-5-I

Therapeutic Donor Insemination Regulations

This proposal would create a regulatory framework to control the processing and distribution of human semen for the purpose of artificial insemination in Canada. The regulations will propose criteria for the screening, testing, labelling, recording and collection of human semen, and will outline the need for records.

Regulating the processing of human sperm is an important health and safety issue. Publication of this proposal in Part I of the *Canada Gazette*, is expected late in 1995 with finalization in Part II of the *Canada Gazette*, in 1996.

Legal authority: *Food and Drugs Act*, section 30

Contact: Chantal Trépanier, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HCan/96-6-I

Controlled Drugs and Substances Regulations

When Bill C-7 (Controlled Drugs and Substances Bill) is passed, Health Canada will work to consolidate current drug control legislation found in the Narcotic Control Regulations and Parts G and J of the Food and Drug Regulations. The Department will modernize and enhance these regulations, in keeping with principles of regulatory review, by eliminating provisions that may no longer be justified, correcting identified problems, and giving clients more flexibility in responding to basic regulatory requirements. The initiative will also introduce any new regulations required by the Act.

This initiative is primarily a consolidation of existing regulations. However, there will be some additional costs to industry resulting from new requirements to comply with international conventions to which Canada is a signatory.

Bill C-7 is expected to have third reading in the House of Commons in the fall of 1995. The new regulations should therefore become law and replace the current Narcotic Control Regulations in early 1996.

Legal authority: to be provided by Bill C-7

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HCan/96-7-I

Conjugated Estrogens

The current Canadian standard for conjugated estrogens is based on 1970 criteria. Health Canada will consider an interim standard developed and published in the United States when revising the existing standard.

This amendment will provide manufacturers with a Canadian standard for conjugated estrogens that reflects current technology and practice. The cost to industry is unknown but the standard has been anticipated for several years.

Legal authority: *Food and Drugs Act*, section 30

Contact: Joan Korol, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HCan/96-8-L

Marketed Drugs - Changes

The issue of a Notice of Compliance for a new drug is followed, on average, by three supplemental new drug submissions. Manufacturers must file the information and the Drugs Directorate must review it. A notification system for minor changes could reduce this workload.

These amendments would allow notification of simple changes rather than requiring a supplemental new drug submission, thereby reducing the number of supplemental new drug submissions.

This initiative reduces the administrative burden for the government and industry caused by minor changes to drug products. Also, the initiative reduces the volume of interpretation requests that Health Canada receives from industry for individual drug products.

Health Canada consulted all segments of the affected industry, professional associations and consumer groups on this initiative through the Information Letter Process.

Legal authority: *Food and Drugs Act*, section 30

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HCan/96-9-L

Drug Evaluation Fee-Link to Performance Standards

The Drugs Directorate is committed to ensuring that the Drugs Programme is funded adequately to provide safe and effective pharmaceutical products to the Canadian public in a timely manner. As an integral part of this initiative, the directorate introduced performance standards for the submission review process in April 1994.

The Drugs Programme has committed to developing future performance standards that reflect the

international competitiveness of the industry. These performance standards will be adopted once government, industry and other stakeholders have reached consensus. Once these standards are agreed upon, the government will propose to link the Drug Evaluation Fees Regulations to the agreed upon timeframes for review. These regulations will be given priority status for implementation.

The directorate will commit to moving one-third of the way to the standards proposed by December 1996, and two-thirds of the way by December 1997. It will achieve the targets by December 1998. The fees will then be reduced when the directorate does not finish reviewing a submission within 30 days of the agreed-upon target for that year. The reduction will be 20 per cent of the total fee for the submission.

The draft proposal will appear in Part I of the *Canada Gazette* in early 1996.

Legal authority: *Financial Administration Act*, section 19

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HCan/96-10-L

Food and Drug Regulations - Addition of Schedule J and Regulation of Blood Test Kits

This initiative will establish Schedule J to the Food and Drug Regulations. Products to be exempt from the Food and Drug Regulations, but subject to the Medical Devices Regulations, will be placed on this schedule. Health Canada will review recommendations for additions and consult with all stakeholders before making additions to Schedule J.

Proposed exemptions will be based on risk assessment. This initiative will help harmonize Health Canada regulations with those of other jurisdictions. The first additions to be proposed will include those products currently referenced in section C.01.039 of the Food and Drug Regulations, including kits used to test blood and blood *in vitro* products.

Legal authority: *Food and Drugs Act*, section 30

Contact: Kent Major, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa,

Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HCan/96-11-L

Drug Regulatory Review Initiatives

In addition to the initiatives included elsewhere in the 1996 *Federal Regulatory Plan*, amendments to the Food and Drug Regulations may be proposed to respond to items identified in the regulatory review. These may include, but are not limited to, labelling of drugs and kits, advertising concerns, elimination of redundant regulations and indexing of the Regulations.

Legal authority: *Food and Drugs Act*, section 30

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HCan/96-12-L

Food and Drug Regulations: Revocation of Division 10

Division 10 of the Food and Drug Regulations sets out requirements for issuing a numbered certificate of registration for GP products (proprietary medicines). Products currently eligible for consideration under Division 10 are considered to be low-risk products. However, existing regulations require the manufacturers to file extensive information for review prior to approval.

This initiative will eliminate Division 10 of the Regulations, thereby removing an unnecessary burden on manufacturers and streamlining the drug review process. Products previously registered under this Division of the Regulations will be issued Drug Identification Numbers (DINs). In addition, this initiative will help the provinces harmonize their drug schedules.

This amendment has been requested by drug manufacturers.

Legal authority: *Food and Drugs Act*, section 30

Contact: Kent Major, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HCan/R-13-L

***Food and Drugs Act and Regulations* Schedules A, D, G and F - Additions and Corrections**

Various amendments will change Schedule A (diseases), Schedule D (biological), and Schedule G (controlled drugs) to the *Food and Drugs Act*, and Schedule F (prescription drugs) to the *Food and Drug Regulations*.

Additions to schedules D, G and F reflect the risk/benefit profile of drugs. Additions to Schedule A reflect diseases for which drugs cannot be advertised to the general public as it is recommended that patients consult their physician.

Legal authority: *Food and Drugs Act*, section 30

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HCan/R-14-L

Food and Drug Regulations - Drug Colouring Agents - Additions, Deletions and Corrections

This action adds, deletes or corrects entries to the lists of colouring agents permitted in drugs for internal or external use.

Additions to the colour list in the *Food and Drug Regulations* give drug manufacturers more flexibility regarding acceptable colouring agents and provide for a more efficient review process.

Legal authority: *Food and Drugs Act*, section 30

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HCan/R-15-L

Food and Drugs Act and Regulations - Schedules A, D, G, F and H - Deletions

Deletions from Schedule F of the *Regulations* allow a change in the sale of drug products from prescription to over-the-counter status. Proposals to deschedule are often recommended by the manufacturer of a particular drug and are subject to

government review based on the drug's safety profile. When the benefit-to-risk ratio is justified, the drug product is recommended for deletion from Schedule F following the normal regulatory consultation process with stakeholders, thereby giving the public easier access to safe and effective treatments without unnecessary restrictions.

Proposals respecting deletions from any of these schedules reflect changes in the information available on the relative risk/benefit profile.

Legal authority: *Food and Drugs Act*, section 30

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HCan/R-16-L

Food and Drug Regulations - Housekeeping Changes

This proposal is to make minor housekeeping amendments respecting drugs to the *Food and Drugs Act* and the *Food and Drug Regulations*. For administrative reasons, these amendments cannot be included in the miscellaneous amendment submission put forward by the department.

Legal authority: *Food and Drugs Act*, section 30

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HCan/R-17-L

Restricted and Narcotic Drugs

Amendments, when required, will add drugs to Schedule H to the *Food and Drugs Act* and to the schedule to the *Narcotic Control Act* to prevent the illicit use of these drugs.

Legal authority: *Food and Drugs Act*, section 30; *Narcotic Control Act*, section 20

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

HWC/92-35-I

Medical Devices Regulations - Soft Contact Lenses - Labelling Requirements

The proposed Schedule to the Medical Devices Regulations establishes labelling requirements for daily-wear and prolonged-wear soft contact lenses in an effort to reduce the potential for incorrect use resulting in serious adverse health effects for users. Soft contact lenses designed or represented for prolonged wear have been removed from the table to Part V of the Regulations but will continue to be subject to the safety and effectiveness requirements of the *Food and Drugs Act* and the Medical Devices Regulations.

Reduced regulation will allow products to come to market sooner, benefiting both manufacturers and consumers.

Health Canada consulted manufacturers, distributors and eye care specialists through the publication of Health Protection Branch Information Letter No. 707 dated April 22, 1986, entitled "Premarket Review," and Information Letter No. 727 dated June 20, 1986, entitled "Exclusion of Prolonged-Wear Contact Lenses from Part V of the Medical Devices Regulations." This proposal was also published in Part I of the *Canada Gazette*, on September 15, 1994, to obtain comments from interested stakeholders.

Legal authority: *Food and Drugs Act*, section 30

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HWC/92-36-I

Medical Devices Regulations - Menstrual Tampons - Labelling Requirements

The proposed Schedule to the Medical Devices Regulations establishes labelling requirements for menstrual tampons and provides a standard test method to determine the absorbency of menstrual tampons in an effort to reduce the potential for incorrect use resulting in serious adverse health effects for users. With the introduction of this schedule, menstrual tampons of specified absorbencies will be removed from the table to Part V of the Regulations but will continue to be subject to the safety and effectiveness requirements of the *Food and Drugs Act* and the Medical Devices Regulations. It is proposed to

leave tampons with an absorbency of 15 grams or greater on the table to Part V.

Reduced regulation will allow products to come to market sooner, benefiting both manufacturers and consumers. Standard labelling will enable consumers to compare the absorbency of one brand and style of tampons with the absorbency of all other brands and styles. This will help women select the tampon with the minimum absorbency needed to control menstrual flow, thus reducing their chances of contracting toxic shock syndrome.

Health Protection Branch Information Letter No. 762 dated July 5, 1989, entitled "Proposed Absorbency Labelling Requirements for Menstrual Tampons," solicited comments on the proposal to standardize absorbency designations for menstrual tampons. Health Canada received comments from tampon manufacturers, health care facilities and private citizens. Interested parties also had an opportunity to comment when these amendments were published in Part I of the *Canada Gazette*, on December 15, 1994.

Legal authority: *Food and Drugs Act*, section 30

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HWC/91-394-I

Laser Equipment - Standard

There are many applications of lasers in the medical, industrial and research fields. The proposed laser regulations establish standards of design, construction and function, as well as labelling requirements, for all laser equipment.

The proposal is intended to reduce health hazards such as skin burns, retinal burns, visual receptor damage and corneal burns associated with many types of laser equipment. Industry is not expected to object to this proposal as industry has helped develop it. Furthermore, there is only a minimal cost impact on industry related to the labelling standards contained within this initiative.

Health Canada has consulted manufacturers associations, users associations and hospital associations by submitting a draft of the amendment to them. Stakeholders will also have a chance to comment when the proposed amendments are published in Part I of the *Canada Gazette*.

Legal authority: *Radiation Emitting Devices Act*, section 13

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HWC/91-396-I

Radiation Emitting Devices Regulations - Diagnostic X-ray Equipment

This proposed amendment to the Radiation Emitting Devices Regulations revokes the present standard for diagnostic X-ray equipment and replaces it with a new one which is compatible with U.S. and internationally accepted standards and which reflects the current state of equipment design technology.

The proposal will make it unnecessary to withhold equipment of an advanced design from the Canadian marketplace or to modify such equipment to comply with the present standard. By removing the need for certain modifications, the proposal should decrease costs for Canadian consumers and manufacturers of diagnostic X-ray equipment while maintaining safety and effectiveness. Industry is not expected to object to this proposal as industry has helped develop it. No departmental costs beyond the status quo are anticipated.

Health Canada has consulted manufacturers associations, users associations and hospital associations by submitting a draft of the amendments to them, and by discussing the draft in a round-table meeting with all concerned parties. Stakeholders will also have a chance to comment when the proposed amendments are published in Part I of the *Canada Gazette*.

Legal authority: *Radiation Emitting Devices Act*, section 13

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HWC/91-384-L

Medical Devices Regulations - In-Vitro Diagnostic Test Devices - Standard for Labelling

This proposal will amend Schedule X of the Medical Devices Regulations and establish additional labelling requirements for in-vitro diagnostic devices. Implementation of Schedule X will reduce the potential for incorrect use of in-vitro diagnostic devices and misinterpretation of results.

Users will benefit from safer in-vitro diagnostic devices. No substantial costs will be incurred by manufacturers implementing this proposal.

Consultation occurred following the announcement of the initiative in Health Protection Branch Information Letter No. 730 dated October 7, 1987, entitled "Proposed Standards for In-Vitro Diagnostic Test Devices."

Legal authority: *Food and Drugs Act*, section 30

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HC/94-61-L

Medical Devices Regulations - Condoms

Canada has two documents setting out mandatory requirements for condoms: Schedule I of the Medical Devices Regulations; and Health Protection Branch Information Letter No. 745 dated April 29, 1988, entitled "Lot Quality Requirements for Condoms." Canada's existing condom standard is not harmonized with current international standards. This proposal will amend Schedule I to harmonize requirements for physical testing, sample sizes, acceptable quality levels and pass-fail criteria with those of the international consensus standard International Organization for Standardization (ISO) 4074. It is federal policy to harmonize regulations with international standards where possible. This proposal will reduce trade barriers and costs to industry.

Health Canada will formally issue the proposed amendment to manufacturers and the public through an Information Letter.

Legal authority: *Food and Drugs Act*, section 30

Contact: Dean Correll, Chief Legislative and Regulatory Processes, Environmental Health

Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HWC/89-521-L

Medical Devices Regulations - Single-Use Insulin Syringes

An amendment to Schedule VI of the Medical Devices Regulations will require that fixed needle syringes, which are now readily available and used by most home users, have a zero dead-space volume. Standards for the dead-space volume for syringes with interchangeable needles, which are used mainly in hospitals and which possess an inherently large dead-space volume, will not be significantly altered but the dead-space volume will be limited. For both types of syringes, the standard will provide methods for testing the mechanical properties of smaller needles which have become popular in recent years. It will also provide new internationally accepted size designations in metric figures, a more clearly worded dosage accuracy requirement and a more comprehensive leakage test.

The amendment will reflect current usage practices and current state-of-the-art manufacturing technology for syringes. The lower dead-space volume will reduce insulin waste, thereby decreasing costs granting health benefits to users of fixed-needle syringes. The amendments will also reduce the possibility of errors in dosage. Manufacturers of syringes will incur only minimal costs, since most fixed-needle syringes already meet the zero dead-space volume requirement.

Consultation has already taken place. The proposed amendment is now being reviewed before publication in Part I of the *Canada Gazette*, which will give the public another opportunity to comment on the amendment.

Legal authority: *Food and Drugs Act*, section 30

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HWC/87-431-L

Computed Tomography X-ray Equipment

Computed tomography X-ray equipment, also known as a CT scanner, is used in medical diagnosis. The proposed Schedule establishes standards for design,

construction and function, including labelling, for all computed tomography X-ray equipment. In particular, it requires manufacturers to provide information that the radiologist will use to estimate patient radiation dose.

The proposal is intended to reduce health hazards by reducing unnecessary radiation doses and improving the diagnostic images produced. The proposal likely entails minimal costs to the department and industry, as the standards are harmonized with existing U.S. Food and Drug Administration and international standards.

Health Canada has consulted with manufacturers, users associations and hospital associations by submitting a draft of the amendments to them. The department has also discussed the draft with the U.S. Center for Devices and Radiological Health. Stakeholders will also have a chance to comment when the proposed amendments are published in Part I of the *Canada Gazette*.

Legal Authority: *Radiation Emitting Devices Act*, section 13

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

CCAC/91-146-I

Controlled Products Regulations - WHMIS Exclusions Reviews

The Controlled Products Regulations (CPR) came into effect on October 31, 1988 as part of the Workplace Hazardous Materials Information System (WHMIS). WHMIS is a national information system for hazardous materials used in the workplace. It consists of three elements: material safety data sheets (MSDSs), labelling and worker education programs. Amendments to the CPR will elaborate on existing WHMIS legislation, which was developed by a consensus process with industry, labour, and federal, provincial and territorial governments. Presently, some products are exempt from the WHMIS requirements of the Act (HPA).

The Parliamentary Committee that reviewed these exceptions has made recommendations that will require provision of WHMIS-type information for most products now excluded from the system. The review process will take place with the consultation of representatives from industry, organized labour, and

provincial and territorial governments. Amendments related to the removal of the exclusions from the HPA may have a substantive socio-economic impact.

Legal authority: *Hazardous Products Act*

Contact: David Bideshi, Product Safety Bureau, Environmental Health Directorate, Postal Locator 7017A2, Health Protection Branch, Health Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel.: (819) 953-2444; Fax: (819) 953-3857.

CCAC/91-141-I

Carriages and Strollers Regulations

New regulations to replace the current Carriage and Stroller Regulations are proposed. New regulations will significantly improve the safety of carriages and strollers and will adequately address changes in technology that have taken place and are likely to take place in the future.

Despite the introduction of regulations in 1985, the number of injuries associated with carriages and strollers remains significant. In recent years, it has been shown in Canada and the U.S. that leg hole openings in convertible carriage strollers may create a potential strangulation hazard. The new regulations will focus on this hazard.

The impact on industry is minimal since adequate lead time has been provided and since regulations are being modified to harmonize with similar changes to the U.S. standard for these products.

The proposed regulations will have a negligible effect on the cost of new products. Infants and small children will benefit from the increased safety of carriages and strollers. This initiative will also result in fewer injuries and a reduction in associated medical costs.

Health Canada consulted with all interested parties in the industry, the medical profession, child safety associations and consumer groups by sending them working drafts of the proposed regulations. Furthermore, the department met on half a dozen occasions with industry to review and debate the implication of each of the requirements contained in the Regulations. As a result, Health Canada reached a consensus with industry.

Legal authority: *Hazardous Products Act*

Contact: François Dignard, Product Safety Bureau, Environmental Health Directorate, Postal Locator 7017A3, Health Protection Branch, Health Canada,

Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel.: (819) 953-2007; Fax: (819) 953-3857.

HCan/95-39-M

Medical Devices Program - Cost Recovery

Health Protection Branch Information Letter No. 811 dated June 17, 1994, entitled "Medical Devices Program, Revenue Generation," announced the Health Protection Branch's intention to examine cost recovery within the medical devices program so that those who benefit directly from services pay for those services. Charging for medical device program services will offset diminishing government funding for the program. The fees collected will be used to ensure that the program continues to meet the needs of clients. The Health Protection Branch will develop standards for services delivered by the program and included them in all cost recovery proposals.

The Health Protection Branch has consulted with Treasury Board and Privy Council Office (Justice) in drafting this order. It also consulted industry on user fees during the deliberations on the Medical Devices Review (Hearn) Committee in 1991-1992 and with the publication of Health Protection Branch Information Letter No. 811.

Legal authority: *Financial Administration Act*, section 19

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HCan/95-44-I

Radiation Emitting Devices Regulations - Analytical X-ray Equipment

An amendment to the Radiation Emitting Devices Regulations will be proposed to reflect the lower dose limits recommended by the International Commission on Radiological Protection (ICRP) in 1990 and to make the Regulations easier for both regulators and manufacturers to interpret.

Any cost to industry as a result of this amendment would be negligible. This amendment may result in minor design changes to some equipment. The cost to manufacturers would, however, be commensurate with the changes required. In the long term, the simplification resulting from this amendment would benefit regulators and most manufacturers' since it would indirectly reduce the costs of associated

compliance activities without compromising the relevant safety standards.

Health Canada consulted with manufacturers and users' associations by submitting a draft of the amendments to them. Stakeholders will also have a chance to comment when the proposed amendments are published in Part I of the *Canada Gazette*.

Legal authority: *Radiation Emitting Devices Act*, section 13

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HCan/95-34-I

Medical Devices Regulations: Schedule I - Contraceptive Devices

The proposed amendment will make two modifications to Schedule I of the Medical Devices Regulations. The first modification will permit labels and advertising for female condoms to state that these condoms reduce the risk of transmission of venereal diseases, a claim formerly permitted only for male condoms. The second modification will exempt male condoms manufactured from synthetic materials from testing requirements that were meant to apply only to latex male condoms.

A proposed regulatory wording was published in Part I of the *Canada Gazette* on October 8, 1994.

This proposal gives the public a wider choice of birth control methods that reduce the risk of transmitting venereal diseases. The proposal entails no significant cost to industry. Health Canada consulted manufacturers and health care professionals from family planning and sexually transmitted disease clinics.

Legal authority: *Food and Drugs Act*, section 30

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HWC/88-517-I

Medical Devices Regulations - Investigational Testing - Sale of a Device

A proposed amendment to the Medical Devices Regulations will allow the sale of a device, under prescribed conditions, to qualified investigators for the purpose of conducting clinical investigations. There are currently limited provisions in Part V of the Regulations permitting clinical investigations.

The amendment will enable manufacturers to gather evidence of the safety and effectiveness of a device in Canada, under controlled clinical conditions. Manufacturers will, in turn, be able to market these devices in a shorter time, and consumers will benefit from the earlier availability of these devices. Furthermore, the amendment may give Canadian investigators a greater opportunity to conduct investigational testing in Canada. The manufacturer will be required to prepare an application for authorization of the investigational testing and to prepare written reports outlining the results of investigations. This initiative was published in Part I of the *Canada Gazette* on May 6, 1995.

Intentions to develop this amendment have been published in Health Protection Branch Information Letters, which have given both manufacturers and users an opportunity to comment on the proposal and make recommendations.

Legal authority: *Food and Drugs Act*, section 30

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

HCan/96-18-M

Medical Devices Regulations - Renewal

As part of the continuing review of Canadian federal regulatory programs, the Medical Devices Review Committee (Hearn) was established in February 1991. The purpose of the Committee was to formulate recommendations concerning the regulation of medical devices and associated activities. The renewal of the Medical Devices Regulations is needed at this time to keep pace with global developments in the medical devices sector.

Health Canada has studied the recommendations in the Hearn report and has produced a development plan for an improved medical devices regulatory

program. The plan is based on the principle that the safety and efficacy of medical devices can best be assessed through a balance of pre-market review, quality systems and post-market surveillance. The Medical Devices Program, with the assistance of an external advisory committee, developed a risk-based classification system for medical devices.

Sixteen regulatory proposals have been developed by a program working group. They try to balance pre-market review, quality systems and post-market surveillance requirements while ensuring that the degree of scrutiny afforded a device is related to the risk it poses.

Health Canada has consulted industry and industry associations. It used the Business Impact Test between March 1995 and July 1995 to obtain comments from industry and industry associations. Further consultation with a multi-stakeholder ad hoc group will take place on an ongoing basis as the working group reviews and revises the proposals.

Legal authority: *Food and Drugs Act*, section 30

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.
Tel.: (613) 957-3142; Fax: (613) 954-2486.

HCan/96-19-I

Consumer Chemicals and Containers Regulations - Revision

The proposed amendment will establish a criteria-based regulatory scheme to prescribe precautionary labelling and child-resistant containers for various chemical products used by the general public. This scheme will replace the current list-based system.

The Consumer Chemicals and Containers Regulations are more than 20 years old and are based on a list of products and substances that were on the market when the Regulations were first drafted. Consequently, they do not address the hazards posed by some consumer products introduced since that time. In addition, the inflexibility of the current approach gives rise to situations where products presenting identical hazards may be treated differently due to minor variations in content, labelling or intended use. These weaknesses are partly responsible for the continued exposure of a large number of children to domestic chemical products.

The amendment is anticipated to have an intermediate socio-economic impact. It is intended to reduce by 25 per cent the injuries and costs due to accidents involving hazardous consumer chemical products. This may save four lives per year.

The criteria-based system will expand the range of products subject to the Regulations. It will be easier to understand and simpler to administer in the long term. It will not require expensive and time-consuming regulatory updates when new products with unforeseen hazards enter the market. This, in turn, would reduce the expenses incurred by the private sector in response to such regulatory changes. The improved regulations will also be fairer, as they will not give preferential treatment to new products, which are not currently covered.

The review is being conducted as a consensus process with the active participation and input of organizations and individuals representing all stakeholders, including industry, seniors and other consumers, the medical profession and public health organizations, technical experts, academia and various government departments.

Legal authority: *Hazardous Products Act*

Contact: A. Cotterill, A/Chief, Chemical and Biological Hazards and WHMIS Division, Product Safety Bureau, Postal Locator 7017A2, Environmental Health Directorate, Health Protection Branch, Health Canada, 50 Victoria Street, Hull, Quebec, K1A 0C9.
Tel.: (819) 953-2925; Fax: (819) 953-3857.

HCan/96-20-I

Hazardous Products (Glazed Ceramics) Regulations - Revision

The proposed revision to the Hazardous Products (Glazed Ceramics) Regulations will reduce the maximum permitted releasable lead in various glazed ceramic product categories and specify labelling on glazed ceramics that are for non-food use.

These changes will harmonize Canadian and U.S. requirements and update the Regulations, which were originally promulgated in 1972 to protect consumers from excessive lead and cadmium released from glazed ceramic foodware. Since 1976, scientific studies have suggested that lead exposure levels previously considered safe may have adverse health effects, especially on young children and pregnant women. The proposed changes are also consistent with Health Canada's policy of reducing Canadians' lead exposure.

The cost impact of the proposed changes is expected to be minimal as most glazed ceramic foodware sold in Canada already complies with the proposed changes.

In 1995, an information package was sent out to interested parties to advise them of the proposed changes to these regulations. Prepublication of the proposed revised legislation in the *Canada Gazette* will also inform interested parties.

Legal authority: *Hazardous Products Act*

Contact: A. Cotterill, A/Chief, Chemical and Biological Hazards and WHMIS Division, Product Safety Bureau, Postal Locator 7017A2, Environmental Health Directorate, Health Protection Branch, Health Canada, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel.: (819) 953-2925; Fax: (819) 953-3857.

HCan/96-21-I

Hazardous Products (Liquid Coating Materials) Regulations - Revision

The proposed revision to the Hazardous Products (Liquid Coating Materials) Regulations will reduce the permitted lead content and restrict the use of mercury compounds in paints.

The revision will update and harmonize these regulations, which were originally promulgated in 1976 to limit the lead content in paints and other similar liquid coating materials to protect consumers, especially children. Since 1976, scientific studies have suggested that lead exposure levels previously considered safe may have adverse health effects, especially on young children and pregnant women. The proposed changes are also consistent with Health Canada's policy of reducing Canadians' lead exposure.

The cost impact of the proposed changes is expected to be minimal as almost all of the Canadian paint manufacturing industry has already implemented the proposed changes. These proposed changes will ensure that the lead and mercury content of recycled and imported paints is also regulated.

In 1995, Health Canada sent an information package to interested parties to advise them of the proposed changes to these regulations. Prepublication of the proposed revised legislation in the *Canada Gazette* will also inform interested parties.

Legal authority: *Hazardous Products Act*

Contact: A. Cotterill, A/Chief, Chemical and Biological Hazards and WHMIS Division, Product

Safety Bureau, Postal Locator 7017A2, Environmental Health Directorate, Health Protection Branch, Health Canada, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel.: (819) 953-2925; Fax: (819) 953-3857.

HCan/96-22-L

Cribs and Cradles Regulations - Safety

An amendment to the Cribs and Cradles Regulations is being proposed to address potential hazards associated with toeholds that enable a child to climb out of a crib. This puts the child at risk for head trauma, the leading kind of injury associated with cribs. Other changes will eliminate confusion concerning the requirements for portable cribs and will harmonize the Regulations more closely with requirements in the U.S. The amendment proposes dividing the requirements for cribs and cradles into two separate regulations, to make them easier to understand.

The anticipated cost to industry is negligible. The benefits should include a decrease in child head injuries resulting from crib design, with related savings in health care costs, and greater harmonization of the regulations with U.S. requirements. In addition, clearer regulations will benefit industry, which has told Health Canada that clarification is needed.

Health Canada has considered interested parties through publication in Part I of the *Canada Gazette* in February 1994, and has considered comments received.

Legal authority: *Hazardous Products Act*

Contact: Georges Desbarats, Product Safety Bureau, Environmental Health Directorate, Postal Locator 7017A, Health Protection Branch, Health Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel.: (819) 953-0950; Fax: (819) 953-3857.

HCan/96-23-L

Medical Devices Regulations - Export Certificates

The Medical Devices Regulations will be amended to include an export certificate as a schedule to the Regulations. The *Food and Drugs Act* provides for exemption from the application of the Act for any packaged food, drug, cosmetic or device that is not manufactured or sold for consumption in Canada. However, it must be certified that the package and its contents do not contravene the laws of countries to which they are being exported. To this end, the *Food*

and Drugs Act requires the exporter to sign and issue a certificate in a prescribed form and manner. The Food and Drug Regulations contain provisions for using the export certificate provided in Appendix III to the *Food and Drugs Act*. However, there is currently no equivalent form available under the Medical Devices Regulations; therefore, these regulations will be amended to provide for the use of an export certificate for medical devices similar to that presented under the Food and Drug Regulations.

Including the certification procedures and form in the Medical Devices Regulations will make such procedures under the Act more efficient and uniform. The use of specific certification procedures for exporting medical devices will streamline procedures for fulfilling requirements under the *Food and Drugs Act*; therefore, the amendment should make it easier to certify exports.

This proposal was published in Part I of the *Canada Gazette* on June 25, 1994, to obtain comments from interested stakeholders.

Legal authority: *Food and Drugs Act*, section 30

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.
Tel.: (613) 957-3142; Fax: (613) 954-2486.

HCan/R-24-L

Hazardous Products Act and Regulations - Housekeeping Amendments

Health Canada proposes to make minor housekeeping amendments, including spelling corrections and other minor changes, to the *Hazardous Products Act* and its regulations to provide consistent information. The costs are expected to be either nonexistent or very low since the scope of the Act and the Regulations will not change.

Consultation is not required for these amendments.

Legal authority: *Hazardous Products Act*, sections 5, 6 and 15

Contact: Louise Maisonneuve, Product Safety Bureau, Environmental Health Directorate, Postal Locator 7017A2, Health Protection Branch, Health Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.
Tel.: (819) 997-1199; Fax: (819) 953-3857.

HCan/R-25-L

Medical Devices Regulations - Housekeeping Amendments

Health Canada proposes to make minor housekeeping amendments to the Medical Devices Regulations.

Consultation is not required for these amendments.

Legal authority: *Food and Drugs Act*, section 30

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.
Tel.: (613) 957-3142; Fax: (613) 957-2486.

HCan/R-26-L

Radiation Emitting Devices Regulations - Housekeeping Amendments

This proposal is to make minor housekeeping amendments to the Radiation Emitting Devices Regulations.

Consultation is not required for this amendment.

Legal authority: *Radiation Emitting Devices Act*, section 13

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.
Tel.: (613) 957-3142; Fax: (613) 957-2486.

HCan/R-27-L

Tobacco Products Control Regulations - Housekeeping Amendments

Health Canada proposes to make minor housekeeping amendments to the Tobacco Products Control Regulations.

Consultation is not required for these amendments.

Legal authority: *Tobacco Products Control Act*, section 17

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2.
Tel.: (613) 957-3142; Fax: (613) 957-2486.

Tobacco Sales to Young Persons Regulations - Housekeeping Amendments

Health Canada proposes to make minor housekeeping amendments to the Tobacco Sales to Young Persons Regulations.

Consultation is not required for these amendments.

Legal authority: *Tobacco Sales to Young Persons Act*, section 10

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 957-2486.

HWC/91-405-I

Food and Drug Regulations - Bottled Water

From a regulatory and monitoring viewpoint, bottled water has, in the past, been treated no differently than any other food commodity. When the current standards for pre-packaged water and ice were developed in 1980 under Division 12 of the Food and Drug Regulations, bottled water was not considered to be a high-consumption item. However, concerns relating to the environment and the quality of municipal water supplies have risen in recent years. Consequently, more people may be turning to bottled water as a total replacement for tap water. In light of this higher consumption, the existing standards may no longer be appropriate.

The Health Protection Branch is presently re-examining the existing standards for pre-packaged water and ice and plans to make appropriate revisions as required. While the review involves all aspects of bottled water quality and safety, emphasis has been placed on defining more precisely the different types of pre-packaged water currently on the market, revising the criteria for assessing the microbiological quality of the products and specifying limits for various chemical contaminants, both natural and man-made, as deemed necessary. Where appropriate, such limits are being harmonized with current guidelines for drinking water. Health Canada has prepared regulatory proposal and completed consultations with affected industries.

Since the industry is self-regulating to a significant degree, Health Canada expects that this initiative will mainly affect manufacturers who do not voluntarily meet quality standards.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HWC/92-69-I

Herbs and Botanical Preparations

The Health Protection Branch is concerned that some herbs and botanical preparations with potentially harmful properties could be marketed to the public. Thus, improved control is considered necessary to ensure that consumers are protected appropriately. The proposed amendment will expand the current list of potentially harmful herbs and botanical preparations not considered appropriate for use in foods.

The cost to industry should be low, as the amendments relate only to the sector involved in the sale of herbs and botanicals as foods or in food products.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HWC/92-59-I

Food and Drug Regulations - Foods for Use in Weight-Reduction Diets

Proposals to amend Division 24 of the Food and Drug Regulations were published for comments as Information Letters 770 and 793. These amendments would include foods sold in weight-loss clinics in the categories of foods that may be sold for use in weight-reduction diets, and would change the nutritional requirements for meal replacements to reflect the 1990 Recommended Nutrient Intakes. Proposed amendments to Division 24 have been developed in light of the comments received.

This proposal will benefit consumers by permitting a wider choice of foods for weight-reduction diets. Any cost to the industry for reformulating meal replacements will be minor.

The proposed amendments also provide for a new category of foods, nutritional supplements. These nutritionally complete foods are intended as

supplements for persons who may be consuming nutritionally inadequate diets for a number of reasons. This change will benefit consumers of all ages.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HWC/93-54-I

Composition of and Standards for Cocoa Products

Industry and government consider that the current Canadian regulations regarding cocoa products should be revised to make them consistent with current Canadian and international practices. Amendments to these standards will reflect Canada's commitment to adopt, to the greatest degree possible, international standards developed by the Joint FAO/WHO Food Standards Programme (Codex Alimentarius Commission).

This amendment should improve Canadian competitiveness but will not change health and safety requirements.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HWC/93-53-I

Food and Drug Regulations - Microbiological Standards for Cheese

Proposed amendments to Division 8 of the Food and Drug Regulations will require that all cheese, with the exception of hard cheeses, be made from pasteurized milk, cream or other dairy products. Hard cheeses will be required to be made from milk or other dairy products that have been heat treated and the requirement for storage will also be retained. Since manufacturers would no longer be allowed to use raw milk or raw dairy products to make cheese under this proposal, Health Canada will also propose deleting the microbiological requirements for these products.

This amendment will increase assurance of the safety of cheese on the Canadian market. Initially, cheese

plants whose procedures do not comply may have to expend further resources to meet the regulatory requirements.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HWC/93-57-I

Good Manufacturing Practices Regulations for Foods

The proposed Good Manufacturing Practices (GMP) Regulations outline the minimum health and safety standards for food marketed in Canada and apply equally to domestic and imported food products. The Regulations promote the use of food safety principles that stress control of the manufacturing and distribution process rather than reliance on finished product specification and testing.

The proposal will reduce the regulatory burden as it clearly states the requirements for compliance, thus promoting self-regulation. The proposed regulations will also provide a common regulatory base for all food safety initiatives in the area of good manufacturing practice, which can be expanded further in other federal or provincial regulations. An additional benefit will be a safer food supply. In general, the proposed GMP requirements are such that firms operating in today's market environment should already meet them.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HC/94-49-I

Initiatives Resulting from the Departmental Regulatory Review

Health Canada has reviewed the regulations under the *Food and Drugs Act* to ensure that they effectively contribute to public health and safety, and to examine ways to enhance the competitiveness of Canadian industry.

In addition to the specific initiatives included elsewhere in the 1996 *Federal Regulatory Plan*, Health Canada may propose amendments to the Food and Drug Regulations to reflect the outcome of the review in the following areas: administration, inspection and enforcement; chemical contaminants; food labelling, packaging, advertising and claims; compositional standards, food additives and nutrient addition; and microbiological standards.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/95-19-I

Food and Drug Regulations - Interim Marketing Authorization

The current Food and Drug Regulations specify a number of stringent controls on the sale of foods in Canada. They specify which ingredients may be used in foods for which standards are prescribed; which food additives may be used in various foods; maximum limits for residues of agricultural chemicals and veterinary drugs; and which vitamin, mineral nutrient or amino acids may be added to certain foods.

As a general rule, all foods sold in Canada must comply with the *Food and Drugs Act* and Food and Drug Regulations. Nevertheless, the Regulations specify conditions under which a letter of temporary marketing authorization (TMA) may be issued. Such a letter allows a manufacturer or distributor to sell a food that does not comply with the Regulations for a limited time "in order to generate information in support of an amendment to the Regulations."

This proposal for interim marketing authorization (IMA) will expand the TMA concept to allow the sale, under specified conditions, of products that do not comply with the current regulations but which have been thoroughly evaluated and for which no health, safety or nutritional risks to the public have been identified. The IMA would thus bridge the time between completion of the scientific evaluation and promulgation of a regulatory amendment to permit the ongoing legal sale of a food product.

The adoption of the IMA concept will benefit both consumers and industry by permitting the earlier

marketing of foods using improved ingredients and proposed production and processing techniques.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/95-21-I

Food and Drug Regulations - Novel Foods and Novel Food Processes

Novel foods and foods produced by novel food processes are being introduced into the Canadian marketplace. These products and processes often do not fall within the existing regulatory framework of the Food and Drug Regulations, yet they may affect the safety of the food supply. New regulations are considered necessary to permit the Health Protection Branch to evaluate the safety of novel foods and foods produced by novel processes before they are introduced into the marketplace.

The proposed regulations will define novel foods and will require that Health Protection Branch be notified before novel foods are sold or advertised for sale.

This amendment will ensure that novel foods are safe while giving industry clear direction concerning the regulation of these products.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/96-29-I

Veterinary Drug Program - Cost Recovery

The Health Protection Branch announced its intention to charge fees for service in Information Letters 748 and 812. Cost recovery is being implemented for drugs sold for use in humans.

Fees will be charged to recover operating costs for the Veterinary Drug Program. A proposal will be submitted to Treasury Board to charge fees, effective April 1, 1996, for submission evaluation, Drug Identification Number applications, annual establishment licence fees and miscellaneous service charges.

Treasury Board policy on charging fees will be followed, as will the consultation requirements of the regulatory process.

Legal authority: *Financial Administration Act*, section 19

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/96-30-I

Food and Drug Regulations - Importation of Unapproved Veterinary Drugs for Use in Food-Producing Animals - Restrictions

At present, the *Food and Drugs Act* and Food and Drug Regulations permit the importation of veterinary pharmaceuticals that do not have Drug Identification Numbers (DIN), provided the drugs are not offered for sale or consideration for sale in Canada. The exception to this are veterinary drugs listed in Schedule F to Part I, which can be imported only by licensed health professionals (pharmacists, practitioners), wholesalers or drug manufacturers.

This proposed amendment should restrict the importation of veterinary pharmaceuticals for food-producing animals to those drugs that have a valid Drug Identification Number, and allow the development of tracking systems for the entry and monitoring of sales of bulk drug substances in Canada. These amendments will help reduce the risk of potentially harmful residues of veterinary pharmaceuticals in food, thereby improving the safety of the food supply in Canada.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/96-31-I

Food-Producing Animals - Prohibition of Clenbuterol Use

International concern has arisen over the use of clenbuterol, an extremely potent beta-agonist, to promote growth in veal calves. Outbreaks of food-borne illness caused by eating beef or veal liver containing clenbuterol have been reported in Europe.

At present, in Canada, clenbuterol is only permitted for use in horses. However, to better protect Canadians, this amendment will specifically prohibit the sale of clenbuterol-containing drugs for administration to food-producing animals, the sale of treated animals intended for consumption as foods, and the sale of edible products derived from treated animals or those containing clenbuterol.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/R-32-I

Food Allergens - Labelling Regulations to Minimize Adverse Reactions

Allergic-type reactions to food can be a serious health issue for people who are susceptible to such reactions. The Health Protection Branch, in conjunction with Agriculture and Agri-Food Canada and various private-sector agencies such as the Allergy/Asthma Information Association and the Canadian Food Services Association, has been looking for way to minimize the occurrence of such adverse reactions. This effort has focused on developing sound educational materials, better means of communicating information on potential allergens and improved labelling.

A review of the existing labelling regulations pertaining to the most common food allergens has led to improved labelling requirements and a proposal pertaining to the labelling of sulphites. The improved labelling of other food ingredients that may cause adverse reactions is being investigated.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/R-33-I

Food and Drug Regulations - Routine Enabling Amendments

This proposal covers a range of routine submissions requesting amendments to the Food and Drug Regulations. These relate to: maintaining or improving the nutritional quality of foods; assuring the

microbiological and chemical safety of foods, including establishing safe maximum residue limits for agricultural chemicals in foods; and establishing maximum levels for food additives.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/R-34-M

Emergency Regulations - Foods

In the event of a confirmed public health hazard in the food supply, emergency regulations may be required to protect the public.

The impact cannot be foreseen, but the public health benefits require imposing any costs associated with such emergency regulations.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/R-35-I

Food and Drug Regulations - Veterinary Drug Residues in Foods

This amendment adds drugs to Table III, Section B.15.003 of the Food and Drug Regulations and establishes maximum residue limits (MRLs) for these drugs.

This initiative establishes standards for drug residues in food that are in keeping with technological advances in the methods of detection. In addition, this proposal allows enforcement action to be taken against persons who violate these limits.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

HCan/R-36-I

Food Regulations - Housekeeping Amendments

These amendments pertain to typographical, spelling, translation, numbering and other inconsistencies that require correction.

No impact is anticipated. These proposals correct previously considered amendments.

Legal authority: *Food and Drugs Act*, section 30

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

Medical Services Branch

HCan/96-37-I

Regulatory Program - Cost Recovery Initiative

To promote more business-like, consistent and equitable management, the government is moving toward charging external users appropriate rates for goods and services it provides. In response to this, the Medical Services Branch of Health Canada proposes to recover costs (ranging from audit services to full inspection services) from all major sectors of the common carrier industry. The branch can do this by reducing its routine inspection role and making training and audit its primary function. Fees for audit services will be regulated under the *Financial Administration Act*, paragraph 19(a).

It is proposed that a draft fee Schedule with accompanying Regulatory Impact Analysis Statement and communications plan will be submitted to the Privy Council Office (Justice) in early 1996, with cost recovery beginning in April 1996

Legal authority: *Financial Administration Act*, section 19

Contact: William (Sandy) Cocksedge, Senior Advisor, Occupational and Regulatory Health, Occupational and Environmental Health Directorate, Medical Services Branch, Health Canada, Ottawa, Ontario, K1A 0L3. Tel.: (613) 957-3427; Fax: (613) 954-5822.

Pest Management Regulatory Agency

Agr/94-36-L

Pest Control Products Regulations - Registration Criteria Clarification

The purpose of this regulatory amendment is to clarify in the Regulations the types of information that may be required for evaluation. Data has been required, for many years, for use in determining the safety, merit and value of the control product. Clarification in this area will ensure that the generic registration criteria are sufficiently comprehensive to accommodate all types of products to be regulated under the *Pest Control Products Act* and Regulations. Health Canada will continue to publish detailed data requirements as guidelines. The benefit will be a clear direction to all interested parties. Health Canada will still have sufficient flexibility to assess all types of products. No additional costs will result from this initiative. This initiative is based on the recommendations of the 1990 Pesticide Registration Review.

Legal authority: *Pest Control Products Act*, section 6(1)(b)

Contact: Dr. R.G. Taylor, Director, Issues, Planning and Priorities Division, Pest Management Regulatory Agency, Health Canada, Camelot Court, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-5330; Fax: (613) 952-1622.

Agr/94-39-L

Pest Control Products Regulations - Scheduling of Products for Use in Apiculture

The purpose of this regulatory amendment is to exempt from registration, and to regulate under the purview of Schedule II of the *Pest Control Products Regulations*, the use of formic acid and menthol by beekeepers for the detection and/or control of honey bee mite pests that have recently been found in Canada. This initiative responds to petitions made by the beekeeping industry to regulate formic acid and menthol so that the use of these products complies with the *Pest Control Products Act*. The beekeeping industry is prepared to accept the level of efficacy indicated by existing data. Formic acid is naturally found in honey, and formic acid and menthol are already used in applications such as food flavourings and are regulated under other legislation. The proposed amendment will define specific conditions, including safe handling procedures, under which

beekeepers will be permitted to use formic acid or menthol. These conditions have been developed in cooperation with the beekeeping industry. This initiative is based on a recommendation from the beekeeping industry and is consistent with the recommendations of the 1990 Pesticide Registration Review to continue the scheduling of these types of products.

Legal authority: *Pest Control Products Act*, section 6(1)(f)

Contact: Dr. R.G. Taylor, Director, Issues, Planning and Priorities Division, Pest Management Regulatory Agency, Health Canada, Camelot Court, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel.: (613) 952-5330; Fax: (613) 952-1622.

HCan/96-38-M

Pest Control Products Regulations - Cost Recovery

This initiative reflects the business directions for the regulation of pesticides outlined in the government proposal for the Pest Management Regulatory System (1994) to implement the recommendations of the Pesticide Registration Review. The "beneficiary pays" principle is directly applicable to pest management regulation, since producers and users of pesticides derive significant economic benefit from the regulatory system that permits the sale of pesticides in Canada. The regime would distribute cost equitably among beneficiaries, including the public.

This action is consistent with the direction taken by Canada's major trading partners, who are introducing or have already introduced cost-sharing mechanisms for pesticide regulation. The agency will consult with stakeholders before prepublishing any proposal in Part I of the *Canada Gazette*.

Legal authority: *Pest Control Products Act*, section 6(1)(d) and the *Financial Administration Act*, section 19

Contact: Dr. Claire Franklin, Executive Director, Pest Management Regulatory Agency, Health Canada, Room 2702, Main Statistics Canada Building, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-8777; Fax: (613) 957-2842.

Future initiatives

Health Protection Branch

Investigational New Drug Submissions

An investigational new drug (IND) submission must be filed with the government to test a new human or veterinary drug. Once a final proposal is defined, an amendment to revise the requirements for an IND submission will be developed.

The intent will be to increase the efficiency and effectiveness of government review of IND submissions, to allow manufacturers greater flexibility, and to enact measures to increase patient information and safety.

The Drugs Directorate has consulted the pharmaceutical industry and research community about this proposal. The proposal would benefit industry by clarifying requirements and making it easier for industry to conduct clinical studies and trials in Canada.

Classification: Low-cost initiative

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

Food and Drug Regulations - Special Access Scheme - Emergency Drug Release Program

Under the emergency drug release provisions of the Food and Drug Regulations, the Drugs Directorate can authorize a manufacturer to release a stated quantity of an investigational new drug to a specific physician for a particular patient for a medical emergency.

A proposal will be developed to improve the efficiency of this service and answer the questions posed by Dr. Gagnon in his review of the Drug Programme. Details of the proposal will be communicated in 1996.

Classification: Low-cost initiative

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

Blood Renewal Projects and Blood Inquiry

Regulatory proposals will be developed to improve the safety of the blood supply in Canada. These proposals will result from decisions arising from the Blood Renewal Projects. Government and outside experts have been asked to study and to make recommendations on specific areas of concern, as well as items identified by the Krever Commission.

Classification: Major initiative

Contact: Dr. George Jarvis, Chief, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

Food and Drug Regulations - Drug Categorization

A proposal will be developed to revise Divisions 1 and 8 of the Food and Drug Regulations to provide an updated regulatory framework for reviewing drug products based on risk assessment.

This will benefit the pharmaceutical industry by providing a more efficient drug evaluation process. The final proposal will be communicated to stakeholders before publication in Part I of the *Canada Gazette*.

Classification: Intermediate-cost initiative

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

Human Tissue and Organs

The transfer and use of human tissues and organs is currently unregulated in Canada, although both the federal and provincial governments are concerned with the safety of tissues and organs intended for transplantation.

Options will be proposed for regulating human organs and tissues (including eggs and zygotes).

Classification: Intermediate-cost initiative

Contact: Chantal Trépanier, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

Post-Approval Drug Regulations

A regulatory proposal will be developed to require periodic safety updates and reassessment of drugs in the Canadian marketplace.

This proposal will support drug categorization and provide a comprehensive assessment for determining the continued safety of drug products on the market in Canada.

Classification: Intermediate-cost initiative

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

Drug Programme - Cost Recovery Initiatives

The Drugs Directorate is committed to ensuring that the Drugs Programme is funded adequately so that it can provide safe and effective pharmaceutical products to the Canadian public in a timely manner.

The directorate will revise the fees to reflect changes in the program or difficulties identified with the current system. The Drugs Directorate has promised the pharmaceutical industry that it will comprehensively evaluate and revise the cost recovery scheme as necessary. The directorate consulted extensively with industry on this initiative and conducted a business impact test on cost recovery for drug submission evaluation fees.

Classification: Major initiative

Contact: Lauraine Bégin, Risk Management and Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-0372; Fax: (613) 941-6458.

Medical Devices Regulations - Hospital Beds

An amendment to the Medical Devices Regulations is proposed to ensure greater safety for users of hospital beds and side rails. There are presently no federal government guidelines or regulations concerning hospital beds other than those for hospital cribs. A departmental guideline addressing hazards associated with beds and side rails is being written in cooperation with manufacturers, users and government agencies. If there is insufficient compliance with the guideline, it may be necessary to

incorporate the guideline's safety criteria into the Medical Devices Regulations.

This proposal is necessary because hospital beds and side rails are a continuing cause of accidental deaths and injuries, despite numerous articles in the literature alerting users to the dangers of this class of device. Benefits of this proposal include safer beds and side rails, which will result in fewer deaths and injuries.

The cost of making manufacturing changes may result in higher prices for beds. Beds manufactured before the guideline was published may also need to be retrofitted or replaced.

The guideline is being written in consultation with a working group set up by the Medical Devices Bureau comprised of users, manufacturers, ergonomists and other government agencies.

Classification: Intermediate-cost initiative

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 957-2486.

Radiation Emitting Devices Regulations - Baggage Inspection X-ray Devices

An amendment to Schedule II to Part IV of the Radiation Emitting Devices Regulations is proposed. The Regulations need to be updated to reflect current radiation protection standards and technology and to be rewritten in simpler language so that both regulators and manufacturers can understand them more easily.

In 1991, the International Commission on Radiological Protection (ICRP) recommended a lower public radiation dose limit. The Schedule will be amended to reflect this recommendation to protect the health and safety of Canadians.

New regulations for baggage inspection X-ray devices are necessary because there are no sufficiently strict international standards. There is no International Electrotechnical Commission standard for this equipment. In the U.S., baggage inspection X-ray equipment is classified as a cabinet X-ray device and governed by generic cabinet X-ray equipment regulations.

Although the U.S. radiation emission limits are the same as the current limits in the Radiation Emitting Devices Regulations, other requirements differ. For instance, U.S. regulators may waive requirements of

cabinet X-ray equipment. The amended Radiation Emitting Devices Regulations will be harmonized with the U.S. generic standard for cabinet X-ray equipment, where feasible.

Health Canada will consult manufacturers and stakeholders (users, owners, operator groups) by giving them a draft of the amendments. It will also solicit comments by publishing the proposed amendments in Part I of the *Canada Gazette*.

Classification: Low cost-initiative

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

Diagnostic Ultrasound Devices - Standard

Health Canada is proposing to add a performance standard for diagnostic ultrasound devices to the *Radiation Emitting Devices Act*. The purpose of the standard is to reduce unnecessary, potentially damaging ultrasound exposure during diagnostic examinations. The proposed standard would limit the amount of ultrasonic output radiated into the patient. In addition, an output display on the devices will be required. It will provide a direct indication of ultrasonic exposure during an examination and will warn the operator that the current exposure may carry a risk of tissue injury.

Cost to industry is expected to be negligible since the standard will be harmonized with the demands of both the U.S. Food and Drug Administration and the International Electrotechnical Commission, resulting in increased compliance and trade.

Health Canada will consult interested parties through Canadian, U.S. and international standards organizations, regulatory agencies, manufacturers' associations and medical associations. It will make preliminary consultations for proposal preparation directly. It will also solicit comments on the proposal by publishing it in Part I of the *Canada Gazette*.

Classification: Intermediate-cost initiative

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

Hazardous Products (Charcoal) Regulations - Revision

The Hazardous Products (Charcoal) Regulations were promulgated in 1974 to protect consumers from death caused by carbon monoxide poisoning. These regulations were enacted because of deaths involving individuals using barbecues in enclosed areas or as space heaters. Charcoal represents a potential hazard to the health and safety of the public since it produces significant amounts of carbon monoxide when it burns. This odourless and colourless gas interferes with the ability of the blood to transport oxygen to body cells and is highly toxic. The current labelling is intended to advise consumers that burning charcoal produces toxic fumes and that proper ventilation should be used.

The proposed regulations will harmonize the Canadian labelling requirements with proposed changes being drafted in the United States. The proposal includes stronger warnings to indicate that carbon monoxide is colourless and odourless and that charcoal should never be used in confined areas, and the possible use of a pictograph to reinforce the written warnings. The labelling requirements of this amendment are expected to result in increased costs for manufacturers.

Classification: Intermediate-cost initiative

Contact: Paul Chowhan, Product Safety Bureau, Environmental Health Directorate, Postal Locator 7017A5, Health Protection Branch, Health Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel.: (819) 953-0062; Fax: (819) 953-3857.

Drinking Water Safety Act

The Health Protection Branch is currently examining the need for and the feasibility of proposing legislation to provide for the safety of drinking water in the federal domain and for the control of devices and materials used to treat and distribute drinking water.

The need for this legislation arises from government and industry concern over the safety and effectiveness of drinking water treatment devices, treatment additives and system components. In addition, drinking water quality standards are not harmonized within the federal domain.

The parliamentary process will allow consultation on specific contents of the legislation. The Branch has already discussed its objectives with major stakeholders.

Classification: Intermediate-cost initiative

Contact: Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Postal Locator 0801C1, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-3142; Fax: (613) 954-2486.

Food and Drug Regulations - Nutrition Labelling and Nutrient Content Claims

Nutrition labelling and nutrient content claims help Canadians select foods consistent with dietary guidelines aimed at promoting optimum nutrition and decreasing the risk of chronic diseases. Nutrition labelling and nutrient content claims also influence food composition, thereby making available a larger variety of products which may help consumers meet dietary goals.

The Food and Drug Regulations set out requirements for nutrient declarations and certain nutrient content claims. Stakeholders have suggested that Canada should harmonize certain nutrient content claims with those of the United States to reduce regulatory barriers to trade. Adoption of U.S. criteria would require amendments to the Food and Drug Regulations.

Recent consultations with stakeholders indicated support for mandatory "core" nutrition labelling (energy, fat, protein and carbohydrate) whenever a nutrient content claim is made for a food. Health Canada therefore intends to propose a regulatory amendment in this regard. The approach to be taken with respect to the review of regulations and policies on nutrient content claims requires further consultation, as consensus has not yet been reached.

Classification: Intermediate-cost initiative

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Food Directorate, Health Protection Branch, Health Canada, Ottawa, Ontario, K1A 0L2. Tel.: (613) 957-1748; Fax: (613) 941-3537.

Medical Services Branch

Food, Water and Sanitation Regulations for Common Carriers

The Food, Water and Sanitation Regulations for Common Carriers combines the existing Potable Water Regulations with new sections that deal with the safe preparation of food served on board conveyances like aircraft and vessels, and with the

sanitary maintenance of these facilities, including the disposal of wastes from these conveyances. Facilities serving the public on federal property are also included in this draft regulation.

Direct industry consultation has shown that adding food and sanitation aspects will increase the effectiveness of our legislation. It is important that compliance with our legislation will ensure that Canadian food and water services meet the legislative requirements of the United States and other nations.

Without the new regulations, our officers cannot effectively protect the travelling public from non-compliant operators. We have also created a situation where "good" operators may be forced to compete directly with operators who willingly or unwillingly circumvent safe food handling practices.

Approximately 100 million meals are served to the travelling public in Canada each year. The potential for disease transmission from food and water is very real, as recent food-borne outbreaks in both Canada and the U.S. show. Meals for common carriers are, by necessity, handled many times before they are consumed on board. This handling, if not carried out efficiently, creates opportunities for bacterial and viral growth that make these meals riskier to eat than those consumed in a restaurant setting. The new regulations should not affect the cost of providing our inspection services and, in conjunction with a more collaborative approach with industry, should enhance the effectiveness of our regulatory program.

Classification: Low-cost initiative

Contact: William (Sandy) Cocksedge, Senior Advisor, Occupational and Regulatory Health, Occupational and Environmental Health Directorate, Medical Services Branch, Health Canada, Ottawa, Ontario, K1A 0L3. Tel.: (613) 957-3427, Fax: (613) 954-5822.

Pest Management Regulatory Agency

Pest Control Products Act - Regulations

A bill to amend the *Pest Control Products Act* (PCPA) may be introduced into Parliament in 1996. The proposed amendments are outlined in the Government Proposal for the Pest Management Regulatory System, which was published in October 1994, and are based on the recommendations of the 1990 Pesticide Registration Review (PRR). These amendments were developed through extensive consultation with interest groups and are designed to provide a modern legislative foundation for the federal pesticide regulatory system. They consist, in

part, of new authority for the Governor in Council to make regulations in the areas listed below. The first four are considered the highest priority and will be prepared to be promulgated as quickly as possible following enactment of the bill. Development of all regulations will involve consultation, primarily with provinces and those interest groups involved in the PRR. Other stakeholders will be made aware of the regulations through notices in the *Canada Gazette*.

Registration types: These regulations would prescribe different registration types and the conditions of registration for each. The regulations would reduce costs to the pest control product industry by ensuring that registration requirements are tailored to particular product and use categories, such as products imported solely for manufacture and export or products for minor uses.

Exemptions from certain provisions of PCPA: These regulations would permit appropriate and streamlined processing of prescribed types of minor registration applications. For example, minor amendments, such as change of registrant's name, could be made by means of a notification procedure.

Protection of proprietary rights to data: These regulations would provide protection to registrants, comparable to that provided in other countries, for the data generated in support of registration applications. The regulations would respond to Canada's obligations under the NAFTA and the WTO and to the need to recognize the interests of both innovators and generic manufacturers. The regulations would have a positive impact on the competitiveness of the control product industry and also on the agricultural and forestry sectors, which need access to modern pest management tools.

Reporting of adverse effects: These regulations would prescribe the timing, reporting arrangements and other requirements for registrants and applicants to report information that reasonably supports a conclusion that a control product may have significant adverse effects on human health and safety or on the environment. By prescribing the requirements in regulations, Health Canada will give the members of pest control product industry a clear understanding of their responsibilities.

Maintenance and provision of records: These regulations would improve the availability of information, increasing public confidence in the regulatory system. They would also improve enforcement capabilities. Care will be exercised in

preparing these regulations to avoid undue regulatory burden.

Export permits: These regulations would delineate the circumstances under which the export of products subject to export restrictions might be allowed. The regulations would attempt to ensure that all health and safety considerations are respected while not imposing undue restriction on industry. The proposed requirement for permits for the export of products of concern is consistent with UNEP and FAO conventions for informed notification of the receiving country before export.

Points of importation: These regulations would permit restricting the import of certain control products to specific points of importation. This would only be done when it would otherwise be difficult to ensure that points of importation had adequate inspection staff to prevent infractions of the Act and regulations.

Quality assurance standards for the conduct of studies: These regulations would prescribe requirements to ensure the quality of studies carried out to provide information to government about pest control products. This would ensure that assessments of risks to human health, safety and the environment are not based on faulty data. Public safety would be improved and the cost to industry potentially reduced by eliminating the need to repeat studies that do not follow accepted practices.

Product safety information to be provided to workplaces: These regulations would prescribe the information that industry would be required to provide to the workplace and would help minimize occupational risks posed by the use of control products. Requirements would be at least as rigorous as requirements under the Workplace Hazardous Materials Information System (WHMIS), from which pesticides are exempt.

The only alternative to regulation in the above areas is the status quo. That would be contrary to the government commitment to introduce an effective legislative foundation for the pest management regulatory system, based on the recommendations of the Pesticide Registration Review.

Classification: Major initiative

Contact: Geraldine Graham, Executive Coordinator, Legislative Process, Pest Management Regulatory Agency, Health Canada, Trebla Building, 473 Albert Street, Ottawa, Ontario, K1A 0C5. Tel.: (613) 991-0216; Fax: (613) 991-0231.

Human Resources Development Canada

Content

Initiatives for 1996

Aviation Occupational Safety and Health Regulations.....	102	Old Age Security Regulations - Exchange of Information - Agreements with Provinces	107
Bill C-54 - Various Amendments To Implement Certain Legislative Provisions.....	106	Old Age Security Regulations - International Agreements, Schedule - Removal.....	108
Canada Labour Code - Federal Minimum Wage - Revision	102	On-Board Trains Occupational Safety and Health Regulations	102
Canada Occupational Safety and Health Regulations, Part XVI, First Aid	100	Status of the Artist Professional Category Regulations.....	100
Canada Occupational Safety and Health Regulations, Part V, Boilers and Pressure Vessels	99	Unemployment Insurance Regulations - Allocation of earnings for real estate salespersons.....	105
Canada Occupational Safety and Health Regulations, Part II, Building Safety	101	Unemployment Insurance Regulations - Electronic Transmission of Assignment of Benefits (AOB) Requests - Pilot Project.....	105
Canada Occupational Safety and Health Regulations - Diving Safety	101	Unemployment Insurance Regulations - Employment History Reporting System.....	105
Canada Pension Plan/Old Age Security Database Searches - Fees.....	106	Unemployment Insurance Regulations - Insurability of Taxi Drivers.....	105
Canada Pension Plan Regulations and Old Age Security Regulations - Various Amendments.....	106	Unemployment Insurance Regulations - Minor, Technical or Housekeeping Amendments.....	104
Canada Pension Plan Regulations - International Agreements, Schedule IX - Removal.....	107	Unemployment Insurance Regulations - Premium Reduction Program.....	103
Canada Pension Plan Regulations - Minor, Technical or Housekeeping Amendments.....	107	Unemployment Insurance Regulations - Redefinition of a Working Day.....	104
Canada Student Loans Program - Changes	103	Unemployment Insurance Regulations - Reestablishing the Factors to be Assessed When Judging the Involvement of a UI Claimant in Self-Employment.....	104
Coal Mining Occupational Safety and Health Regulations - Cape Breton Development Corporation	101	Unemployment Insurance Regulations - Revision of Earnings Definition and Allocation Provisions	104
Coal Mining Safety Commission Regulations.....	102	Unemployment Insurance Regulations - Unemployment Insurance Economic Regions	106
Developmental Assistance - Supplementary Training Allowances.....	103		
Employment Equity Regulations - Reporting	100	Future initiatives	
Ministerial Delegation of Powers.....	107	Canada Labour Code - Review of Part II - Occupational Safety and Health.....	108
National Training Regulations - Rate of Training Allowances.....	102	Canada Labour Code - Review of Part III - Labour Standards	108

<i>Employment Equity Act (Bill C-64) - Changes.....</i>	109
<i>Unemployment Insurance Regulations - Amendments Consequential to the New Act.....</i>	109

General information

Roles and responsibilities

Human Resources Development Canada (HRDC) was created in November 1993.

HRDC provides for an integrated approach to Canada’s national investment in people by bringing programs supporting the income of Canadians together with human resource programs linked to the requirements of the national economy and labour market. The creation of HRDC is seen as a major step in building the mobile, educated and skilled work force needed to increase Canada’s productivity and international competitiveness and the prosperity of its citizens.

HRDC comprises the following components of the founding departments:

- education support activity and elements of the social development activity from the former Department of the Secretary of State;
- the literacy program from the former Department of Multiculturalism and Citizenship;
- income security and cost-shared programs and elements of the social development activity from the former Health and Welfare Canada;
- the employment and insurance program from the former Employment and Immigration Canada;
- all programs and services of the former Department of Labour; and
- corporate services program elements of the founding departments.

The objectives of HRDC are:

- to develop, promote and implement social policies and programs that facilitate the development, participation and well-being of members of Canadian society;
- to promote and strengthen the income security of seniors, persons with disabilities, survivors, families with children and migrants;
- to promote economic growth and flexibility by providing temporary income support to unemployed workers who qualify for benefits under the *Unemployment Insurance Act*, without placing an unnecessary burden on individuals, groups or regions;

- to facilitate and sustain stable industrial relations and a safe, fair and equitable workplace; and
- to develop and support the use of Canada’s human resources in order to promote economic growth and social well-being.

Legislative mandate

The statutes under the jurisdiction of the Minister responsible for Human Resources Development Canada are the following:

- *Canada Assistance Plan*
- *Canada Labour Code*
- *Canada Pension Plan*
- *Canada Student Loans Act*
- *Canadian Centre for Occupational Health and Safety Act*
- *Children Special Allowances Act*
- *Department of Human Resources Development Act (Bill C-96)*
- *Department of Labour Act*
- *Employment and Immigration Department and Commission Act*
- *Employment Equity Act*
- *Fair Wages and Hours of Labour Act*
- *Family Orders and Agreements Enforcement Assistance Act*
- *Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act*
- *Government Annuities Act*
- *Government Annuities Improvement Act*
- *Government Employees Compensation Act*
- *Hudson Bay Mining and Smelting Co. Limited*
- *Income Tax Act, S. 122.62*
- *Labour Adjustment Benefits Act*
- *Merchant Seamen Compensation Act*
- *National Training Act*
- *Non-smokers’ Health Act*
- *Old Age Security Act*
- *Status of the Artist Act*
- *Unemployment Assistance Act*
- *Unemployment Insurance Act*
- *Vocational Rehabilitation of Disabled Persons Act*
- *Wages Liability Act*

Initiatives for 1996

HRDC/96-1-I

Canada Occupational Safety and Health Regulations, Part V, Boilers and Pressure Vessels

This regulatory initiative is intended to address occupational safety and health concerns associated

with the design, construction, testing, inspection, installation, and operation of boilers, pressure vessels and piping systems in the workplace.

As part of the department's client consultation process, a working group comprised of management, organized labour and the department's representatives reviewed the regulations covering the above-mentioned items. The working group phase has been completed. The proposed amendment, while clarifying and resolving concerns associated with the existing provisions, will also update the Regulations to reflect current technology and update referenced industry standards. This will result in regulations which are more harmonized with equivalent provincial and territorial legislation addressing the same concerns.

Legal authority: *Canada Labour Code*, sections 125 and 126, and subsections 157(1) and 157(1.1)

Contact: Stephen Mitrow, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-0240; Fax: (819) 953-1743.

HRDC/96-2-I

Canada Occupational Safety and Health Regulations, Part XVI, First Aid

This regulatory initiative addresses occupational safety and health concerns related to the provision of first aid in the workplace.

As part of the department's client consultation process, a working group comprised of management, organized labour and the department's representatives reviewed the regulations respecting first aid. Proposed amendments deal with qualification of first aid attendants, the contents of first aid kits, and how organizations are approved to teach first aid to federally regulated employees amongst other things.

Legal authority: *Canada Labour Code*, sections 125 and 126 and subsections 157(1) and 157(1.1)

Contact: Claude Duguay, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-0244; Fax: (819) 953-1743.

HRDC/96-3-L

Employment Equity Regulations - Reporting

Administrative amendments to the Employment Equity Regulations are required to make the reporting requirements under the Act consistent with Human Resources Development Canada policy for the implementation of the National Occupational Classification System (NOC) and to include reference to regular updates of the Statistics Canada publication Census Metropolitan Areas, Census Agglomerations and Census Tracts - Reference Maps (deleting the existing reference to the May 1982 edition).

The National Occupational Classification System is a comprehensive classification system that classifies and describes occupations in the Canadian labour market, reflecting extensive changes that have taken place over the past 20 years. Human Resources Development Canada has pre-consulted with employers subject to the *Employment Equity Act* regarding the National Occupational Classification System, which will replace the Statistics Canada 1980 Standard Occupational Classification System (SOC). Human Resources Development Canada will provide software to employers, free of charge, allowing for the conversion of the Standard Occupational Classification System to the National Occupational Classification System. The designated Census Metropolitan Area amendment will ensure that boundaries established after the most recent Canadian census are used for reporting purposes.

Legal authority: *Employment Equity Act*, section 11

Contact: Henry Nur, Director, Labour Standards and Workplace Equity Policy, Human Resources Development Canada, Place du Portage Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 997-3900; Fax: (819) 997-3901.

LAB/93-1-I

Status of the Artist Professional Category Regulations

The Minister of Labour, after consultation with the Minister of Canadian Heritage, has responsibility for recommending regulations relative to certain aspects of the *Status of the Artist Act*: the determination of professional categories contributing to the creation of productions; the availability of arbitral determinations; and the remuneration to be paid to persons not employed in the Public Service who perform functions under Part II of the Act.

The two latter regulations will deal with routine administrative matters and will have only minor cost implications. The regulations defining the professional categories that contribute to artistic productions should interest persons who function as independent contractors in the artistic community. The effect of these regulations will be to extend the benefits of the *Status of the Artist Act* to persons practicing within those professional categories in the federal jurisdiction.

Legal authority: *Status of the Artist Act, Part II*

Contact: Debra Robinson, Director, Legislative Development and Operational Research, Federal Mediation and Conciliation Service, Human Resources Development Canada, Place du Portage, Phase II, 11th Floor, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 994-3899; Fax: (819) 953-3162.

LAB/91-444-I

Canada Occupational Safety and Health Regulations, Part II, Building Safety

This regulatory initiative is intended to address occupational safety and health concerns related to working conditions in permanent structures (buildings, grain handling facilities, communications towers).

As part of the department's client consultation process, a working group composed of management, organized labour and the department's representatives reviewed the regulations related to building safety. Proposed amendments will update the Regulations in accordance with current technology. Some requirements respecting grain elevators and communications towers will be added to address the special requirements in these structures. In addition, there will be new requirements regarding the operation, inspection, testing, cleaning and maintenance of heating, ventilating and air conditioning systems in buildings.

Legal authority: *Canada Labour Code*, section 125 and 126, and subsections 157(1) and 157(1.1)

Contact: Phyllis O'Brien, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 997-2405; Fax: (819) 953-1743.

HRDC/94-8-I

Canada Occupational Safety and Health Regulations - Diving Safety

This regulation initiative is intended to regulate occupational diving operations in the federal jurisdiction, and is required to protect the safety and health of divers, due to the hazardous nature of diving operations.

As part of the department's client consultation process, a working group composed of management, organized labour and the department's representatives was formed to review existing diving regulations in other jurisdictions, and to determine the best course of action for this initiative.

The working group phase of the initiative has been completed. The department has prepared a Regulatory Impact Analysis Statement.

Legal authority: *Canada Labour Code*, sections 125 and 126, and subsections 157(1) and 157(1.1)

Contact: Diane Rguem, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-0230; Fax: (819) 953-1743.

HRDC/94-9-I

Coal Mining Occupational Safety and Health Regulations - Cape Breton Development Corporation

As part of the department's client consultation process, a working group composed of management, organized labour and the department's representatives completed a clause-by-clause review of the Coal Mining Occupational Safety and Health (Cape Breton Development Corporation) Regulations in mid-1994. Outstanding issues are being addressed and a Regulatory Impact Analysis Statement is being prepared.

Legal authority: *Canada Labour Code*, sections 125 and 126, and subsections 157(1) and 157(1.1)

Contact: Doug Malanka, Program Consultant, Occupational Safety and Health, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-4777; Fax: (819) 953-1743.

HRDC/95-10-I

Aviation Occupational Safety and Health Regulations

Comprehensive amendments are required to update the Regulations and to incorporate current technology and industry standards into the text. This is necessary to protect the safety and health of persons employed on aircraft in operation.

This initiative has been undertaken jointly by Transport Canada and this department.

Legal authority: *Canada Labour Code*, sections 125 and 126, and subsections 157(1) and 157(1.1), and paragraph 157(3)(a)

Contact: Rick Seaman, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-0229; Fax: (819) 953-1743.

HRDC/95-11-I

On-Board Trains Occupational Safety and Health Regulations

Comprehensive amendments are required to update the Regulations and to incorporate current technology and industry standards into the text. This is necessary to protect the safety and health of persons employed on board trains in operation.

This initiative has been undertaken jointly by Transport Canada and this department.

Legal authority: *Canada Labour Code*, sections 125 and 126, and subsections 157(1) and 157(1.1), and paragraph 157(3)(a)

Contact: Rick Seaman, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-0229; Fax: (819) 953-1743.

HRDC/95-13-L

Coal Mining Safety Commission Regulations

Some minor administrative amendments, such as revising the lengths of the terms of office of members, are required to improve the operation of the Commission.

Legal authority: *Canada Labour Code*, subsections 137.1(3) and 157(1) and 157(1.1)

Contact: Doug Malanka, Program Consultant, Occupational Safety and Health, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-4772; Fax: (819) 953-1743.

LAB/93-5-L

Canada Labour Code - Federal Minimum Wage - Revision

The federal minimum wage, currently set at \$4 per hour, was last revised in 1986. It is established by Order in Council and the Canada Labour Standards Regulations.

All provincial and territorial labour jurisdictions have promulgated minimum wage rates that exceed the federal rate, and Human Resources Development Canada plans to review the federal rate to bring it in line with other Canadian minimum wage standards. No cost impacts are anticipated, since there are few minimum wage earners in the federal jurisdiction, and most are paid, in practice, at the provincial or territorial rate.

Any revision of the federal minimum wage will be undertaken in consultation with the Labour Standards Client Consultation Committee.

Legal authority: *Canada Labour Code*, subsection 178(2)

Contact: Virginia Jakutavicius, Legislative Consultant, Labour Standards and Workplace Equity Policy, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 997-3900; Fax: (819) 997-3901.

EIC/93-1-M

National Training Regulations - Rate of Training Allowances

Sections 5.1, 6, 8.1 and 9.1 of the National Training Regulations prescribe the rate of training allowances and supplementary allowances that may be payable to an adult who is being trained on a course. The Canada Employment and Immigration Commission has directed that current rates be reviewed annually in relation to other income support measures and revised as required to ensure that allowance levels remain adequate. This regulatory initiative is being analyzed together with the Developmental Assistance Regulations - Supplementary Training Allowances initiative.

If the annual review reveals that training allowances and supplementary allowances need to be modified, there could be a major economic impact.

Legal authority: *National Training Act*, section 11

Contact: Bob Thomas, A/Chief, Program Development, Human Resources Investment Branch, Human Resources Development Canada, Place du Portage, Phase IV, 4th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9. Tel.: (819) 953-1934; Fax: (819) 994-2314.

EIC/93-2-M

Developmental Assistance - Supplementary Training Allowances

Subsections 108 to 111 of the Unemployment Insurance Regulations prescribe the supplementary training allowances that may be payable to a claimant who is being trained on a course. The Canada Employment and Immigration Commission has directed that current rates be reviewed annually in relation to other income support measures and revised as required to ensure that allowance levels remain adequate. This regulatory initiative is being analyzed together with the National Training Regulations - Rate of Training Allowances.

If the annual review reveals that the rate of benefits and supplementary training allowances needs to be modified, there could be a major economic impact.

Legal authority: *Unemployment Insurance Act*, sections 26 and 26.1(a) and (b)

Contact: Bob Thomas, A/Chief, Program Development, Human Resources Investment Branch, Human Resources Development Canada, Place du Portage, Phase IV, 4th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9. Tel.: (819) 953-1934; Fax: (819) 994-2314.

HRDC/95-35-I

Canada Student Loans Program - Changes

The *Canada Student Financial Assistance Act* and new regulations to give effect to the Act came into force on August 1, 1995. Additional regulations are required to implement the Student Debt Management Strategy announced by the Minister on August 1, 1995. Other regulations to enhance assistance to students, to place greater emphasis on educational results and to ensure harmony in program delivery are being considered. Amendments may also be required to ensure consistency between the Canada Student Loans

Regulations and the Canada Student Financial Assistance Regulations and to address any anomalies discovered following implementation of the new scheme.

Legal authority: *Canada Student Financial Assistance Act*; *Canada Student Loans Act*

Contact: Jo Anne Denis, Senior Policy Analyst, Youth, Learning and Literacy Directorate, Human Resources Investment Branch, Human Resources Development Canada, 15 Eddy Street, Hull, Quebec, K1A 0M7. Tel.: (819) 994-5018; Fax: (819) 953-8147.

HRDC/96-4-I

Unemployment Insurance Regulations - Premium Reduction Program

It is proposed to amend the Premium Reduction Program Regulations to allow a full premium reduction to weekly indemnity plans that contain an eligibility period in excess of three months. The amendment will consist of including a provision in paragraph 20(a) that will permit employers to defer the payment of benefits beyond three months. At present, a partial reduction is granted to these weekly indemnity plans because they exceed all other requirements of paid sick leave plans.

This amendment will provide a consistent application of the eligibility requirements in the weekly indemnity and paid sick leave plans. It will also provide a more equitable treatment of employers whose costs of maintaining weekly indemnity plans, and the benefits provided therein, further exceed those of a paid sick leave plan.

The amendment is consistent with the legislative policy and intent of the Premium Reduction Program and will have no financial impact on its administration. It will represent, however, an approximate loss of \$2 million to the UI fund (difference between full and partial reduction granted to approximately 812 employers).

Legal authority: *Unemployment Insurance Act*, paragraph 50(4)(b)

Contact: Michael Meagher, Chief, Ancillary Policy and Programs, Insurance, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9. Tel.: (819) 997-8608; Fax: (819) 997-8607.

HRDC/96-5-L

Unemployment Insurance Regulations - Reestablishing the Factors to be Assessed When Judging the Involvement of a UI Claimant in Self-Employment

Subsection 43(2) of the *Unemployment Insurance Regulations* provides that a claimant can be exempted from a disentitlement for being self-employed, if the extent of involvement in self-employment is "minor in extent" or in the French version « il y consacre si peu de temps ». In a recent decision, the Federal Court of Appeal rejected 16 years of jurisprudence that six associated factors, including the time spent, should be evaluated to assess the extent of a claimant's involvement in self-employment. The Court held that time was the only valid consideration.

The proposed amendment will resolve any ambiguity between the French and English texts and reestablish the line of jurisprudence by incorporating into the regulation itself the six factors that were developed by umpires in decisions on appeal cases, thereby providing a broader and more objective base upon which to assess self-employment. Consequently, time will not be the only factor used to assess a claimant's involvement in self-employment while claiming UI benefit.

Legal authority: *Unemployment Insurance Act*, paragraph 44(c)

Contact: Glenn Ramsay, Senior Policy Advisor, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9. Tel.: (819) 994-6044; Fax: (819) 953-9381.

HRDC/96-10-L

Unemployment Insurance Regulations - Minor, Technical or Housekeeping Amendments

Periodically, the need to make minor, technical or housekeeping amendments arises. In view of the nature of the potential amendments, any impact will be minimal.

Legal authority: *Unemployment Insurance Act*, various sections

Contact: Guy Grenon, Senior Policy Advisor, Insurance, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade

du Portage, Hull, Quebec, K1A 0J9.
Tel.: (819) 997-8625; Fax: (819) 953-9381.

EIC/92-24-L

Unemployment Insurance Regulations - Redefinition of a Working Day

Section 14 of the *Unemployment Insurance Act* requires a claimant to be available for work for any "working day." This term is defined in section 45 as being any day of the week except Saturday and Sunday.

The proposed amendment to the definition of "working day" will take into consideration the fact that Saturdays and Sundays have become working days for a significant part of the labour force, and will take into account legislated or religious holidays falling on days other than Saturdays and Sundays.

This amendment should be well received on balance. There should be no additional cost.

Legal authority: *Unemployment Insurance Act*, paragraph 44(b)

Contact: Doris Beaman, Senior Policy Advisor, Insurance, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.
Tel.: (819) 997-8626; Fax: (819) 953-9381.

EIC/89-247-L

Unemployment Insurance Regulations - Revision of Earnings Definition and Allocation Provisions

The Privy Council Office (Justice) has initiated a project to revamp sections 57 and 58 of the UI Regulations defining and allocating the earnings to be considered for benefit purposes. The rewrite is needed to streamline the various provisions of sections 57 and 58 to make them clear and consequently easier to understand and apply. The Department of Human Resources Development Canada is co-operating with the Privy Council Office in this initiative.

This rewrite will in no way change the legislative policy and intent and, therefore, will have no financial impact. Since streamlining and clarity are the objects of the exercise, this rewrite will improve administration.

Legal authority: *Unemployment Insurance Act*, paragraph 44(q)

Contact: Guy Grenon, Senior Policy Advisor, Insurance, Human Resources Development Canada,

Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.
Tel.: (819) 997-8625; Fax: (819) 953-9381.

HRDC/94-30-L

Unemployment Insurance Regulations - Insurability of Taxi Drivers

The Department of National Revenue and taxi drivers have made representations to have paragraph 12(e) of the UI Regulations amended. It is proposed to insert the word "sole" before the words "owner of the vehicle" so that the only persons who are excluded from coverage are those persons who own a taxi by themselves. Some taxi brokers have been forcing drivers to buy a share of the cab, such as a 1/12th share, so that they would be excluded from coverage by the working of Regulations 12(e). The amendment will prevent such circumvention of the regulation.

Since the practice is relatively new and not widespread, there will be extremely minimal additional cost and the amendment should be well received generally.

Legal authority: *Unemployment Insurance Act*, paragraph 4(c)

Contact: Glenn Ramsay, Senior Policy Advisor, Insurance, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.
Tel.: (819) 994-6044; Fax: (819) 953-9381.

HRDC/94-31-L

Unemployment Insurance Regulations - Allocation of earnings for real estate salespersons

The current method of deducting the earnings of real estate agents claiming UI benefits is to deduct them from the benefits for the week in which the deal is actually finalized. Recent case law raises the possibility of deducting the earnings retroactively at the time the services are performed, which would result in a UI benefit overpayment. The proposed amendment would ensure that the current method is preserved.

There will be no additional cost and the amendment should be well received generally.

Legal authority: *Unemployment Insurance Act*, paragraph 44(q)

Contact: Glenn Ramsay, Senior Policy Advisor, Insurance, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.
Tel.: (819) 994-6044; Fax: (819) 953-9381.

HRDC/95-25-I

Unemployment Insurance Regulations - Electronic Transmission of Assignment of Benefits (AOB) Requests - Pilot Project

An automated process for the exchange of information allowing limited access by social service case workers to the Unemployment Insurance Ontario Regional Computer Centre mainframe computer was implemented in April 1994. The intent is to expand this project to allow case workers to transmit electronically the Assignment of Benefits requests for reimbursement.

When the request is sent electronically, the client's signature will be on the original form in the social services office but not on the data input screen. Agreements will be made with social services to ensure that the signature is received from the client.

A regulatory change is proposed to establish a pilot project to test this initiative.

Legal authority: *Unemployment Insurance Act*, section 75.2

Contact: John Carter, Insurance Specialist, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9. Tel.: (819) 994-2688;
Fax: (819) 997-8640.

HRDC/95-27-I

Unemployment Insurance Regulations - Employment History Reporting System

A change to section 35 of the Regulations is proposed to permit electronic transfer of employment history data as an alternative to the paper record of employment form. The reporting of some new information may also be requested.

Legal authority: *Unemployment Insurance Act*, paragraph 44(o)

Contact: Bob Nichols, A/Director, Insurance Program Services, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, T-8 Trebla Building, Hull, Quebec, K1A 0J9. Tel.: (819) 997-8634; Fax: (819) 997-8640.

HRDC/95-28-M

Unemployment Insurance Regulations - Unemployment Insurance Economic Regions

As stated in subsection 61(2) of the Unemployment Insurance Regulations, the configuration of Unemployment Insurance Economic Regions must be reviewed every five years. Entitlement to UI benefits in terms of entrance and duration is directly tied to the economic region in which an individual lives. The next review is to be completed in the fall of 1995.

The current configuration has been in place since 1990 and includes 26 urban regions, based on the boundaries of Statistics Canada's 1986 Census Metropolitan Areas, and 36 rural regions. Human Resources Development Canada is considering amendments which will better complete the configuration of local labour markets in Canada to ensure fair access to UI benefits.

Departmental officials from each region have been fully consulted on the proposed changes and methodology. The review is expected to be completed by the required deadline of November 18, 1995. Implementation would follow in 1996.

Legal authority: *Unemployment Insurance Act*, paragraph 44(t)

Contact: Norine Smith, Director General, Labour Market and Education Policy, Strategic Policy, Human Resources Development Canada, Place du Portage, Phase IV, 8th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9. Tel.: (819) 994-4989; Fax: (819) 953-0519.

HRDC/96-6-M

Canada Pension Plan/Old Age Security Database Searches - Fees

As part of government policy on financing various services by way of fees, it is proposed to establish a fee for conducting searches of the CPP and OAS data banks to locate beneficiaries at the request of third parties. In accordance with the requirements of the *Financial Administration Act*, the fee will not exceed the actual costs, including both salary and operating expenses, involved in carrying out these searches. Based on these elements, the cost to do one search has been calculated at \$20. If individuals being sought are on either of the data banks, they are informed by letter and given the option of either contacting the third party or not. Neither the results of the search nor any

client information are disclosed to the enquirer. Private institutions such as banks, insurance companies and employers account for approximately 95 per cent of such requests. The fee is expected to produce estimated recoveries of \$250,000 based on historical volumes of such requests. In the case of CPP, the amounts recovered will be credited to the Canada Pension Plan Account. A letter and questionnaire has been mailed to the major users of this service to advise them of the potential fee and to determine if their usage would be affected by it.

Legal authority: *Financial Administration Act*, section 19; *Canada Pension Plan*, paragraphs 108(2)(e) and 108(3)(b.1)

Contact: Margaret Miller, Chief, Finance and Administration, Canada Pension Plan, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower A, 11th Floor, 333 River Road, Hull, Quebec, K1A 0L1. Tel.: (613) 954-8404; Fax: (613) 954-2578.

HRDC/96-7-L

Canada Pension Plan Regulations and Old Age Security Regulations - Various Amendments

The Canada Pension Plan Regulations and the Old Age Security Regulations will be amended to take into account concerns raised by the Standing Joint Committee for the Scrutiny of Regulations. The proposed amendments are of a housekeeping nature and will not incur costs. Consultation is not required.

Legal authority: *Canada Pension Plan*; *Old Age Security Act*

Contact: Terry de March, Director, Legislation Development, Income Security Policy and Legislation, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, 355 River Road, Vanier, Ontario, K1A 0L1. Tel.: (613) 957-1626; Fax: (613) 991-9119.

HRDC/96-8-L

Bill C-54 - Various Amendments To Implement Certain Legislative Provisions

Bill C-54, *An Act to Amend the Old Age Security Act, the Canada Pension Plan, the Children's Special Allowances Act and the Unemployment Insurance Act*, received Royal Assent on July 13, 1995. The purpose of the Bill is to improve service to clients, to allow for more efficient program administration and to increase consistency,

where appropriate, between the *Old Age Security Act* (OAS) and the *Canada Pension Plan* (CPP). Various amendments to the Old Age Security Regulations and Canada Pension Plan Regulations are required to fulfil the intent of both amended acts (CPP and OAS). Consultations took place during the legislative process associated with Bill C-54.

Legal authority: *Old Age Security Act*; *Canada Pension Plan*

Contact: Terry de March, Director, Legislation Development, Income Security Policy and Legislation, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, 355 River Road, Vanier, Ontario, K1A 0L1. Tel.: (613) 957-1626; Fax: (613) 991-9119.

HRDC/96-9-L

Canada Pension Plan Regulations - Minor, Technical or Housekeeping Amendments

The need to make minor, technical or housekeeping amendments to the Canada Pension Plan Regulations arises on an ongoing basis. In view of the nature of the potential amendments, any impact will be minimal and consultation will not be required.

Legal authority: *Canada Pension Plan* (various sections)

Contact: Terry de March, Director, Legislation Development, Income Security Policy and Legislation, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, 355 River Road, Vanier, Ontario, K1A 0L1. Tel.: (613) 957-1626; Fax: (613) 991-9119.

HRDC/94-32-L

Old Age Security Regulations - Exchange of Information - Agreements with Provinces

The Old Age Security Regulations currently allow for the release of information to provincial governments primarily for purposes of administering a social, income assistance or health insurance program of that province. However, the wording of these regulations is not consistent with similar regulations under the *Canada Pension Plan*. Since the purpose of these regulations is virtually identical and both the Old Age Security program and the *Canada Pension Plan* fall under the same administration, it is desirable to have consistent wording between the two programs. The release of information to provincial governments may facilitate the payment of provincial benefits, or improve or speed up access to the services they offer.

It may also help the provinces ensure that only eligible individuals receive benefits. As the amendment is of a housekeeping nature, consultation is not required.

Legal authority: *Old Age Security Act*, section 33(3.1)

Contact: Terry de March, Director, Legislation Development, Income Security Policy and Legislation, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, 355 River Road, Vanier, Ontario, K1A 0L1. Tel.: (613) 957-1626; Fax: (613) 991-9119.

HWC/93-61-L

Ministerial Delegation of Powers

In 1992, changes were made to the *Interpretation Act* that amended provisions dealing with ministerial delegation. In light of these amendments, relevant regulations are being amended to replace the titles of departmental officials who have been delegated ministerial authority with the term "Minister." Given the nature of the amendments, consultation is not required.

Legal authority: *Old Age Security Act*

Contact: Terry de March, Director, Legislation Development, Income Security Policy and Legislation, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, 355 River Road, Vanier, Ontario, K1A 0L1. Tel.: (613) 957-1626; Fax: (613) 991-9119.

HWC/89-553-L

Canada Pension Plan Regulations - International Agreements, Schedule IX - Removal

Schedule IX to the Canada Pension Plan Regulations is being revoked. Consequently, regulation 34.1 will also be amended to remove reference to the words "Schedule IX." The Schedule lists those countries with which Canada has entered into an international social security agreement and the date benefits first became payable under each agreement. The original purpose of the Schedule was to keep the public informed of the introduction of such international agreements. Since the information in the Schedule must be amended by way of a Governor in Council submission each time an agreement comes into force, and there are now 27 agreements in force, it is administratively impossible to keep the Schedule up to date. Several other efficient means of communication are being used to inform the public of the coming into force date of these

agreements. These are: press releases normally published in large national dailies, including ethnic newspapers; pamphlets relevant to each concluded agreement; and various public relations activities. Moreover, each concluded agreement is always published in Part II of the *Canada Gazette*. Given that the Governor in Council submission is signed jointly with the Minister of National Revenue, consultation will be required with that department.

Legal authority: *Canada Pension Plan*

Contact: Terry de March, Director, Legislation Development, Income Security Policy and Legislation, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, 355 River Road, Vanier, Ontario, K1A 0L1. Tel.: (613) 957-1626; Fax: (613) 991-9119.

HWC/89-553-L

Old Age Security Regulations - International Agreements, Schedule - Removal

The schedule to the Old Age Security Regulations is being revoked. Consequently, regulations 21 and 22 will also be amended to remove reference to the word "schedule." The schedule lists those countries with which Canada has entered into an international social security agreement and the date benefits first became payable under each agreement. The original purpose of the schedule was to keep the public informed of the introduction of such international agreements. Since the information in the schedule must be amended by way of a Governor in Council submission each time an agreement comes into force, and there are now 27 agreements in force, it is administratively impossible to keep the schedule up to date. Several other efficient means of communication are being used to inform the public of the coming into force date of these agreements. These are: press releases normally published in large national dailies, including ethnic newspapers; pamphlets relevant to each concluded agreement; and various public relations activities. Moreover, each concluded agreement is always published in Part II of the *Canada Gazette*. Since the amended regulation is of a housekeeping nature, consultation is not required.

Legal authority: *Old Age Security Act*

Contact: Terry de March, Director, Legislation Development, Income Security Policy and Legislation, Income Security Programs Branch, Human Resources Development Canada, Place Vanier, Tower B,

8th Floor, 355 River Road, Vanier, Ontario, K1A 0L1. Tel.: (613) 957-1626; Fax: (613) 991-9119.

Future initiatives

Canada Labour Code - Review of Part II - Occupational Safety and Health

The last comprehensive revision of Part II of the *Canada Labour Code* occurred in the 1980s. Changes are required to respond to the competitiveness and harmonization initiatives of the government, to respond to client concerns, and to improve administrative efficiency.

In 1993, the department received input from federally regulated employers, employee representatives, and government departments and agencies responsible for administering Part II. A tripartite Legislative Review Committee, consisting of federally regulated employers, employees (union) and government, was established to review the proposals in detail and, through consensus, to make recommendations on change to the Minister. The Committee met in February 1994 and formed a tripartite Legislative Review Subcommittee to review all proposals in detail and, through consensus, to make recommendations on change to the Legislative Review Committee and subsequently to the Minister.

Consultations are expected to be completed by fall of 1995. While it is too early to forecast what impact the Part II changes could have on the Canada Occupational Safety and Health Regulations and the Safety and Health Committees and Representatives Regulations made under the authority of Part II, it is anticipated that there could be some regulatory impact. Any regulatory changes required will be identified in a future *Federal Regulatory Plan*.

Classification: Intermediate-cost initiative

Contact: Doug Malanka, Program Consultant, Occupational Safety and Health Branch, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 953-4777; Fax: (819) 953-1743.

Canada Labour Code - Review of Part III - Labour Standards

Part III of the *Canada Labour Code* provides minimum labour standards for federally regulated undertakings. The standards include hours of work, minimum wages, vacation and general holidays, bereavement and sick leave, work-related illness and injury,

maternity-related reassignment, maternity and parental leave, termination and severance pay, unjust dismissal and recovery of wages. The significant regulatory requirements associated with Part III are contained in the Canada Labour Standards Regulations.

Part III is currently being reviewed by labour, departmental and employer representatives on the Labour Standards Client Consultation Committee (LSCCC). Consideration will be given to develop amendments which would implement methods of streamlining the administration of Part III as a result of program review and modernizing the *Canada Labour Code* in support of the Agenda on Jobs and Growth. It is too early to forecast what impact the Part III changes would have on the Canada Labour Standards Regulations. Any regulatory changes required will be identified in a future *Federal Regulatory Plan*.

Classification: Intermediate-cost initiative

Contact: Henry Nur, Director, Labour Standards and Workplace Equity Policy, Human Resources Development Canada, Place du Portage, Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 997-3900; Fax: (819) 997-3901.

Employment Equity Act (Bill C-64) - Changes

Bill C-64 was tabled in the House of Commons on December 12, 1994. The Bill was referred after First Reading to the Standing Committee on Human Rights and the Status of Disabled Persons. Bill C-64 is designed to resolve long-standing problems with the *Employment Equity Act* and to strengthen the legislation by: expanding coverage to include federal public service, agencies and commissions; providing the Canadian Human Rights Commission with a new mandate to conduct audits of employers covered under the Act to gain compliance; and subjecting federal contractors to mandatory compliance with principles of the *Employment Equity Act*.

Comprehensive consultations with employers and other stakeholders would follow parliamentary approval to determine whether guidelines and/or regulations would be needed to implement the new legislation. Bill C-64 provides for the possibility of regulations in several new areas, including how to conduct an employment systems review, and to conduct a work force analysis, and the definition of "employee."

Classification: Intermediate-cost initiative

Contact: Henry Nur, Director, Labour Standards and Workplace Equity Policy, Human Resources Development Canada, Place du Portage Phase II, 165 Hôtel de Ville Street, Hull, Quebec, K1A 0J2. Tel.: (819) 997-3900; Fax: (819) 957-3901.

Unemployment Insurance Regulations - Amendments Consequential to the New Act

The government conducted a review of Unemployment Insurance in 1994-95. A bill introducing legislative changes arising from this exercise was introduced in the fall of 1995. Changes to the regulations will be required as a consequence, but the exact changes are not yet known. Extensive consultation concerning social policy changes has occurred during the past year and will continue during the parliamentary process.

Classification: Intermediate-cost initiative - consequential to changes to the *Unemployment Insurance Act*

Contact: Gordon McFee, Director, Policy and Legislation Development, Insurance, Human Resources Development Canada, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9. Tel.: (819) 997-8622; Fax: (819) 953-9381.

Indian and Northern Affairs Canada

Content

Initiatives for 1996

Indian and Inuit Affairs Program

Cree-Naskapi Band Expropriations	112
Indian Bands Council Method of Election	112
Indian Estates	112
Indian Mining	113
Indian Oil and Gas Regulations, 1995 - First Nations Oil and Gas Management	113
Indian Timber	113

Northern Affairs Program

Canada Mining	114
Canada Oil and Gas Land	117
Dominion Water Power Act Special Regulations	119
Federal Government Employee Land Acquisitions	115
Frontier Lands Division and Minimum Area	118
Frontier Lands Registration	118
Mackenzie Valley Environmental Impact Assessment	116
Mackenzie Valley Land Use	116
Mackenzie Valley Surface Rights	116
Mining Land Use	114
Northern Pits and Quarries	115
Northwest Territories Reindeer - Revocation	117
Nunavut Land Use Security Regulations	117
Nunavut Surface Rights	116
Territorial Lands	115
Yukon Forest Protection	118
Yukon Mining - Staking Prohibitions	115
Yukon Surface Rights	117
Yukon Timber	118
Yukon Work Relief	114

Future initiatives

Archaeological Sites - Yukon and Northwest Territories	119
Canada Mining Royalty Regime	119
Cree-Naskapi Band Referenda	120
Cree-Naskapi Special Band Meetings	120
Mine Site Reclamation	120
Territorial Dredging	120

General information

Roles and responsibilities

Indian and Northern Affairs Canada (INAC) was established in 1966 by the *Department of Indian Affairs and Northern Development Act*, which gives the Minister responsibility for Indian, Inuit and northern affairs, including provincial-type responsibilities for the people and natural resources associated with Indian reserves, the Yukon Territory and the Northwest Territories, as well as responsibility for some programs and services for status Indians off-reserve. INAC places policy emphasis on recognizing and implementing the inherent right of self-government, promoting self-reliance of Aboriginal and northern communities by encouraging sustainable development, negotiating land claim agreements and overseeing their implementation, supporting the devolution of responsibilities to accountable Aboriginal and territorial governments, and responding to pragmatic local initiatives. The Indian and Inuit Affairs Program and the Northern Affairs Program administer INAC's regulatory responsibilities.

Legislative mandate

The Indian and Inuit Affairs Program is responsible for: fulfilling federal legal obligations arising from treaties and statutes concerning Aboriginal people; providing for the community-based delivery of basic services (elementary/secondary education, social assistance, housing, community infrastructure) to status Indians on reserves and to Inuit; assisting Indians on reserves and Inuit to get access to economic development programs and services; providing financial support to status Indians

participating in post-secondary education programs; negotiating the settlement of accepted claims relating to Aboriginal rights (not dealt with by treaty or other means) or past unfulfilled federal legal obligations; ensuring the implementation of comprehensive land claims agreements; and advancing Aboriginal self-government through legislative, policy and administrative changes. The statutes administered by the Indian and Inuit Affairs Program, in whole or in part, include:

- *Alberta Natural Resources Act*
- *British Columbia Indian Cut-off Lands Settlement Act*
- *British Columbia Indian Reserves Mineral Resources Act*
- *Caughmawaga Indian Reserve Act*
- *Cree-Naskapi (of Quebec) Act*
- *Department of Indian Affairs and Northern Development Act*
- *Federal Real Property Act* (formerly titled the *Public Lands Grants Act*)
- *Fort Nelson Indian Reserve Minerals Revenue Sharing Act*
- *Grassy Narrows and Islington Indian Bands Mercury Pollution Claims Settlement Act*
- *Gwich'in Land Claim Settlement Act*
- *Indian Act*
- *Indian Lands (Settlement of Differences) Act*
- *Indian Lands Agreement Act, 1986*
- *Indian Oil and Gas Act*
- *Indian (Soldier Settlement) Act*
- *James Bay and Northern Quebec Native Claims Settlement Act*
- *Manitoba Natural Resources Act*
- *Manitoba Supplementary Provisions Act*
- *Natural Resources Transfer (School Lands) Amendment Act, 1961*
- *New Brunswick Indian Reserves Agreement Act*
- *Nova Scotia Indian Reserves Agreement Act*
- *Nunavut Land Claims Agreement Act*
- *Pictou Landing Indian Band Agreement Act*
- *Railway Belt Act*
- *Railway Belt and Peace River Block Act*
- *Railway Belt Water Act*
- *St. Peter's Indian Reserve Act*
- *St. Regis Islands Act*
- *Sahtu Dene and Metis Land Claim Settlement Act*
- *Saskatchewan Natural Resources Act*
- *Saskatchewan Treaty Land Entitlement Act*
- *Sechelt Indian Band Self-Government Act*
- *Songhees Indian Reserve Act*
- *Split Lake Cree First Nation Flooded Land Act*
- *Western Arctic (Inuvialuit) Claims Settlement Act*

- *Yukon First Nations Land Claims Settlement Act* *
- *Yukon First Nations Self-Government Act*

* Sections 20(1), (2) and (4) not yet proclaimed

The Northern Affairs Program is responsible for: coordinating federal activity and programming in the North; providing transfer payments to the governments of the Yukon Territory and the Northwest Territories (to help them provide public services to territorial residents); fostering northern science and technology and providing a focus for circumpolar affairs; supporting the balanced development of the North through the management of natural resources (oil and gas, minerals, water and lands) and the protection and management of the northern natural environment (including Arctic seas); fostering economic and employment opportunities for northerners, and funding social and cultural programs; and pursuing northern political development through devolution, program transfers, balanced economic development, the process of division of the Northwest Territories, and participation in the negotiation and implementation of northern land claims agreements, including the development of legislation and institutions establishing new resource management regimes in accordance with land claims agreements. The statutes administered by the Northern Affairs Program, in whole or in part, include:

- *Arctic Waters Pollution Prevention Act*
- *Canada Lands Surveys Act, Part III*
- *Canada Oil and Gas Operations Act* (formerly titled the *Oil and Gas Production and Conservation Act*)
- *Canada Petroleum Resources Act*
- *Canadian Polar Commission Act*
- *Condominium Ordinance Validation Act*
- *Department of Indian Affairs and Northern Development Act*
- *Dominion Water Power Act*
- *Federal Real Property Act* (formerly titled the *Public Lands Grants Act*)
- *Land Titles Act*
- *Land Titles Repeal Act*
- *Northern Canada Power Commission (Share Issuance and Sale Authorization) Act*
- *Northern Canada Power Commission (Yukon Assets Disposal Authorization) Act*
- *Northwest Territories Act*
- *Northwest Territories Waters Act*
- *Nunavut Act*
- *Territorial Lands Act*
- *Yukon Act*
- *Yukon Placer Mining Act*

- *Yukon Quartz Mining Act*
- *Yukon Surface Rights Board Act*
- *Yukon Waters Act*

Regulatory approach

In March 1995, the Minister of Indian Affairs and Northern Development announced his plans to seek First Nations' views on amendments to the *Indian Act* to eliminate its most archaic and objectionable provisions until the Act can be replaced by implementation of the inherent right of self-government. He wrote to all Indian chiefs and to the leaders of First Nations organizations in April 1995 advising them of his commitment to seek their broad agreement on changes that would remove the requirement for the Minister to become involved in activities and decisions that clearly should be the business of First Nations. Depending on the nature of the final amendments agreed upon, regulatory changes may be required.

The Minister announced the results of INAC's Program Review, in February 1995, noting the high priority placed on completing devolution of the remaining provincial-type services to the territorial governments and on generating more revenue from resource management regimes. This will involve updating regulations to bring northern resource management revenues more in line with those of other jurisdictions.

Initiatives for 1996

Indian and Inuit Affairs Program

INAC/87-491-L

Cree-Naskapi Band Expropriations

These regulations will establish the substantive and procedural requirements for expropriations by the Cree bands and the Naskapi band of northern Quebec, for community purposes or community works, of rights and interests in Category 1A or 1A-N lands (lands under federal jurisdiction) or in buildings situated thereon.

The regulations will apply only on the Category 1A and 1A-N lands of the eight Cree bands and the Naskapi band of northern Quebec (population 10,000). Because of their limited application, these regulations will have little or no impact on the Canadian economy. Furthermore, there will be no financial costs to the federal government associated with these regulations. These regulations are being developed in

consultation with the Cree bands and the Naskapi band.

Legal authority: *Cree-Naskapi (of Quebec) Act*, section 156

Contact: Jean-François Neault, Director, Negotiations and Agreement Implementation, Quebec Regional Office, Indian and Northern Affairs Canada, 320 St. Joseph East, P.O. Box 51127, Postal Outlet G. Roy, Quebec, Quebec, G1K 8Z7. Tel.: (418) 648-7687; Fax: (418) 648-5086.

INAC/90-399-L

Indian Estates

Section 13 of these regulations prohibits the payment of interest on money held in accounts on behalf of absent or missing heirs. A review concluded that it is improper to withhold interest on these accounts, since the government is benefitting from the use of this money until it is paid out. In addition, in other (provincial) jurisdictions across Canada, interest is paid on similar types of accounts. An amendment to the Regulations will allow for the payment of interest. The payment of interest would commence on the date that the amendment to section 13 becomes effective. There will be no retroactive payment of interest.

As a result of this amendment, the maximum current liability of the federal government would be approximately \$84,000 (at current interest rates) in interest on accounts held on behalf of missing or absent heirs. This cost will be offset by the use that the government will have of the money until it is paid out at some future time.

Legal authority: *Indian Act*, section 42

Contact: Barbara Craig, A/Director, Band Governance and Estates Directorate, Lands and Trust Services, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 18th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 953-6151; Fax: (819) 997-0034.

INAC/96-1-L

Indian Bands Council Method of Election

These regulations provide for the methods of electing band councils for those Indian bands that conduct their elections under the *Indian Act*, and include schedules listing the bands to which the regulations apply. At present, whenever a band decides that it will no longer conduct its elections under the Act and wishes instead to revert to a local customary election

system, the regulations must be amended to remove that band's name from one of the schedules. The proposed amendment will make this unnecessary.

This amendment is technical in nature and will not affect any of the powers of the bands listed in the regulations. There is no need to consult with the bands regarding this amendment because they themselves initiate any process to revert to customary election practices.

Legal authority: *Indian Act*, subsection 74(1)

Contact: Barbara Craig, A/Director, Band Governance and Estates Directorate, Lands and Trust Services, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 18th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 953-6151; Fax: (819) 997-0034.

IAND/94-6-L

Indian Mining

These regulations set out a procedure for the administration of metallic and non-metallic minerals (excluding unconsolidated and petroliferous minerals) with respect to surrendered mines and minerals on reserve. These regulations, which were passed in 1954 under the *Indian Act*, will be amended to deal with technical concerns related to the titles of positions that are no longer appropriate, such as "Supervisor of Indian Minerals" and "Division Chief." These amendments will be discussed with Indian mining leaders.

The amendments will respond to technical concerns and do not call for new expenditures of federal money, nor do they entail changes in government policy.

Legal authority: *Indian Act*, section 57 and subsection 73(3)

Contact: Jean-Louis Causse, Environment and Natural Resources Directorate, Lands and Trust Services, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 1745, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-8375; Fax: (819) 953-3323.

IAND/94-7-L

Indian Timber

These regulations, which were passed in 1954 under the *Indian Act*, establish the regime for the cutting of on-reserve timber. Amendments to the regulations will clearly establish the authority to issue "permits,"

address inconsistencies between the *Indian Act* and these regulations regarding penalties, address additional technical issues related to penalties, and resolve inconsistencies between the French and English versions of the *Indian Act* and these regulations. The Department will discuss these amendments with Indian forestry leaders.

These amendments will respond to technical concerns and do not call for new expenditures of federal money, nor do they entail any significant changes in government policy. Amendments removing discretionary powers, clarifying amounts of security deposits required, and resolving inconsistencies between French and English were approved November 1, 1994 (SOR/94-690).

Legal authority: *Indian Act*, section 57 and subsection 73(3)

Contact: Peter Wyse, Environment and Natural Resources Directorate, Lands and Trust Services, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 17th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9276; Fax: (819) 953-3323.

INAC/96-2-L

Indian Oil and Gas Regulations, 1995 - First Nations Oil and Gas Management

The Indian Oil and Gas Regulations, 1995 prescribe a regime for the administration of oil and gas rights on reserve lands. New regulations, based on the existing regulations, will be required for First Nations that will be participating in the First Nations Oil and Gas Management Initiative pilot project. These new regulations will reflect changes required to provide for delegation of decision making and authority to participating First Nations.

The new regulations are being developed in consultation with First Nations that will be participating in the pilot project and will not involve new federal expenditures.

Legal authority: *Indian Oil and Gas Act*, section 3; *Financial Administration Act*, subsection 19(1)

Contact: Leaman Long, Director, Resource Initiatives, Lands and Trust Services, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 2106B, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-7486; Fax: (819) 953-9406.

Northern Affairs Program

INAC/93-15-L

Canada Mining

These regulations govern the administration and disposition of mineral rights in the Northwest Territories, including the staking and maintenance of mineral claims, leasing of mineral rights and payment of royalties on mineral production.

An amendment to the fee for identification tags (Schedule I, item 16) will reflect a 60-per-cent increase in the price paid to the manufacturer. The federal government assay office no longer exists; therefore section 78 will be revoked. Pursuant to subsection 24(2), every locator of a claim, or a person acting on his or her behalf, must make application to record a claim on a prescribed form. Each claim requires a separate form. This system is labour intensive and time consuming. It is proposed to amend the form to allow for multiple claims.

The changes will benefit both government and industry by reducing operating costs, providing faster processing and reducing the paper burden.

Legal authority: *Territorial Lands Act*, section 8

Contact: John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-6434; Fax: (819) 953-9066.

IAND/94-12-M

Mining Land Use

The *Yukon Placer Mining Act* and the *Yukon Quartz Mining Act* contain the rights and obligations for hardrock and placer mining in the territory. Neither act makes provision for environmental protection. Amendments to the two mining acts will provide for regulations for activities related to mineral exploration, development and production and to mine closure to meet the requirements of environmental assessment legislation.

In response to the mining industry's concerns about adequate consultation, the Yukon Mining Advisory Committee was established, consisting of environmental, Aboriginal, placer mining and hardrock mining interests in the Yukon Territory, and representatives of federal and territorial governments.

The proposed legislation and regulations will result in increased environmental protection consistent with the environmental assessment legislation. This initiative is classified as major because of the considerable expansion of the department's administrative, analytical, inspection and enforcement capabilities that will be required. Fees will be designed in a manner consistent with administrative charges already applicable to other land uses in the territories.

Legal authority: *Yukon Placer Mining Act* and *Yukon Quartz Mining Act* (proposed amendments)

Contact: John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-6434; Fax: (819) 953-9066.

INAC/R-3-L

Yukon Work Relief

In accordance with the *Yukon Quartz Mining Act*, a claim holder must perform \$100 worth of exploratory work each year. The *Yukon Quartz Mining Act Work Relief Regulations* waive the work requirement if the claim holder so wishes, but do not restrict current claim holders; they do not prevent the claim holders from exercising their right to work the claim. The Regulations encourage the reduction or elimination of work done so that the area can be protected until the appropriate management regimes are put in place.

In 1978, in order to set aside land for a national park and other conservation purposes, Order in Council P.C. 1978-2195 withdrew certain lands in the northern Yukon Territory from dispositions such as mining. At the time there were 332 mineral claims in good standing in the area. To avoid land and other disturbances in the area until a proper management regime could be put in place, the *Yukon Quartz Mining Act Work Relief Regulations* were instituted to reduce the amount of exploratory work being done on the mineral claims. In addition, through the native claims settlement process for the Yukon Territory, the Kluane Tribal Council has outlined an area that it considers to be sensitive to development activities and that contains a large number of mineral claims in good standing. Work relief orders extended the regulations for both areas to December 31, 1996. A further extension may be required.

In response to the above-noted concerns, the Regulations eliminate the necessity for claim holders to make expenditures on mineral claims in an area

that has been withdrawn for a park or other conservation purposes. Orders extend the present regime and therefore have no significant impact other than protecting the existing rights of the holders of mineral claims until such time as final disposition of the area is determined in consultation with Aboriginal and other affected parties.

Legal authority: *Yukon Quartz Mining Act*, section 55

Contact: John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-6434; Fax: (819) 953-9066.

INAC/R-4-I

Yukon Mining - Staking Prohibitions

In 1996, approximately 10 orders in council under the *Yukon Placer Mining Act* and the *Yukon Quartz Mining Act* will be required to prohibit the staking of claims and prospecting for precious minerals on certain lands in the Yukon Territory that are required for various public purposes. Prohibition orders have been used consistently over the years to protect lands required to meet certain public policy objectives, including the settlement of native land claims. Only the prospecting and staking of new claims will be prohibited. The holders of claims in good standing retain all existing rights without interference. Lapsed claims, however, cannot be restaked.

Legal authority: *Yukon Quartz Mining Act*, section 14.1; *Yukon Placer Mining Act*, section 98

Contact: Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

INAC/R-5-I

Federal Government Employee Land Acquisitions

In 1996, approximately 10 orders in council under the *Territorial Lands Act* will be required to authorize employees of the Government of Canada to acquire interests in Crown lands in the Northwest Territories or the Yukon Territory. These orders will also ensure conformity with the federal government's conflict-of-interest guidelines. Employees or their

spouses routinely acquire territorial lands for residences, cottages or commercial interests.

These orders will have no impact on the general public, although employees and their families may suffer financial or personal hardship if an order is not approved in a timely manner.

Legal authority: *Territorial Lands Act*, section 29

Contact: Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

INAC/90-410-I

Territorial Lands

These regulations govern the disposition of Crown land in the Yukon Territory and Northwest Territories. They have become dated in some areas and procedures need to be streamlined. A new requirement, in some cases, for a security deposit will ensure greater control over site rehabilitation and environmental management.

The new regulations will be made pursuant to both the *Territorial Lands Act* and the *Federal Real Property Act* to provide for the administration of land within the territories and the adjacent offshore areas. The Department will consult northern interest groups and affected parties on the development of these regulations.

Legal authority: *Territorial Lands Act*, subsection 23(h); *Federal Real Property Act*, paragraph 15(2)(a)

Contact: Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

IAND/94-20-I

Northern Pits and Quarries

The present Territorial Quarrying Regulations, which were promulgated in 1957, have become inadequate for the effective conservation of granular material deposits, the management of extracting operations and the protection of the environment. Revised regulations will provide a more effective regime for

offshore granular material management, particularly in light of major development activities such as artificial island construction.

The revised regulations will be pursuant to both the *Territorial Lands Act* and the *Federal Real Property Act*, to permit offshore application. The Department will consult northern interest groups and affected parties on the development of these regulations.

Legal authority: *Territorial Lands Act*, subsection 23(h); *Federal Real Property Act*, paragraph 15(2)(a)

Contact: Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs Program, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090; Fax: (819) 953-2590.

INAC/95-16-I

Mackenzie Valley Environmental Impact Assessment

Regulations dealing with environmental impact assessment within the Mackenzie Valley are required to implement the Gwich'in and Sahtu land claims settlements and any future land claim settlements within the Mackenzie Valley. Resource management legislation, which is expected to be introduced by the end of 1995, will create new resource management boards and will authorize these regulations.

Additional environmental assessments may be required, possibly resulting in a moderately increased cost to developers.

Legal authority: *Mackenzie Valley Resource Management Act* (proposed)

Contact: Gary Nicholl, Chief, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 621, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-0222; Fax: (819) 953-8766.

INAC/95-17-I

Mackenzie Valley Land Use

Regulations dealing with the use of lands within the Mackenzie Valley are required to implement the Gwich'in and Sahtu land claims settlements and any future land claim settlements within the Mackenzie Valley. Resource management legislation, which is expected to be introduced by the end of 1995, will

create new resource management boards and will authorize these regulations.

Land use fees and application fees, previously set in 1971, will be increased, adding to the costs associated with exploration and development in the Mackenzie Valley.

Legal authority: *Mackenzie Valley Resource Management Act* (proposed)

Contact: Gary Nicholl, Chief, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 621, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-0222; Fax: (819) 953-8766.

IAND/94-23-L

Mackenzie Valley Surface Rights

A Mackenzie Valley Surface Rights Bill is currently being drafted and is expected to be introduced in 1996. It will establish a Surface Rights Board within the Mackenzie Valley, which is required to implement the Gwich'in and Sahtu land claim agreements. The regulations will set fees for entry onto settlement land and facilitate operation of the Surface Rights Board.

It is anticipated that the costs associated with resource exploration and development in the Mackenzie Valley will be increased marginally as a result of these regulations.

Legal authority: *Mackenzie Valley Surface Rights Act* (proposed)

Contact: Ron Bailey, Land Specialist, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-7472; Fax: (819) 953-8766.

IAND/94-24-L

Nunavut Surface Rights

A Nunavut Surface Rights Bill is currently being drafted and is expected to be introduced in 1996. It will establish a Surface Rights Tribunal within Nunavut, which is required to implement the Nunavut Land Claim Agreement. The regulations will set fees for entry onto settlement land and facilitate operation of the Tribunal.

It is anticipated that the costs associated with resource exploration and development in Nunavut will be increased marginally as a result of these regulations.

Legal authority: *Nunavut Surface Rights Act* (proposed)

Contact: Ron Bailey, Land Specialist, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-7472; Fax: (819) 953-8766.

INAC/96-6-I

Nunavut Land Use Security Regulations

Under the Nunavut Land Claim Final Agreement, those involved in development activities in the Nunavut Settlement Area are liable for damage caused to wildlife by those activities. Section 6.3.4 of the Agreement provides for legislation requiring developers to show proof of financial responsibility to ensure that Inuit are able to obtain compensation for loss or damage suffered as a result of development activities. These regulations will implement the provisions of the Agreement by requiring persons engaged in development activities in the Nunavut Settlement Area to provide proof of financial responsibility prior to the issuance of permits under the Territorial Land Use Regulations, or prior to the sale, lease or other disposition of territorial lands under the *Territorial Lands Act* or any authorization under section 5 of the *Canada Oil and Gas Operations Act*.

Legal authority: *Territorial Lands Act*, sections 5 and 8; *Canada Oil and Gas Operations Act*, section 14

Contact: Ron Bailey, Land Specialist, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-7472; Fax: (819) 953-8766.

INAND/94-25-L

Yukon Surface Rights

The *Yukon Surface Rights Board Act* was given Royal Assent on December 15, 1994. It established a Surface Rights Board within the Yukon Territory as required to implement the Yukon First Nations Final Claims Settlement Agreements. These regulations will set parameters for entry onto settlement land and facilitate the operation of subsurface rights holders.

It is anticipated that the costs associated with resource exploration and development in the Yukon Territory will be increased marginally as a result of these regulations.

Legal authority: *Yukon Surface Rights Act*, section 78

Contact: Ron Bailey, Land Specialist, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-7472; Fax: (819) 953-8766.

INAC/91-433-L

Northwest Territories Reindeer - Revocation

These regulations provide for the management and protection of reindeer in the Northwest Territories. A review of the regulatory framework has indicated that, due to duplication of legislation and redundancies in the context of current reindeer management issues, the regulations should be revoked.

This initiative would remove unnecessary administrative requirements, which should have a positive impact on the owners of reindeer in the Northwest Territories. The Department will complete consultations with potentially affected parties before revoking the regulations.

Legal authority: *Northwest Territories Act*, subsection 47(1)

Contact: Floyd Adlem, Director, Operations, N.W.T. Regional Office, Indian and Northern Affairs Canada, P.O. Box 1500, Yellowknife, N.W.T. X1A 2R3. Tel.: (403) 920-8487; Fax: (403) 873-4474.

INAND/94-33-L

Canada Oil and Gas Land

These regulations were promulgated in 1961. They prescribe a regime for the administration of oil and gas rights on frontier lands, which was used extensively until the early 1980s. Canadian ownership requirements in these regulations will be revoked to ensure consistency with oil and gas legislation.

As these regulations have been in place for many years, the oil and gas industry is familiar with them. The proposed amendment will have a positive impact. This initiative is the same as NRCan-41 that appeared in the 1994 *Federal Regulatory Plan*.

Legal authority: *Territorial Lands Act*, section 23;
Federal Real Property Act, paragraph 15(2)(a)

Contact: Mimi Fortier, A/Director, Northern Oil and Gas, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 626, 10 Wellington Street, Hull, Quebec, K1A 0H4.
Tel.: (819) 997-0878; Fax: (819) 953-5828.

INAC/92-24-I

Frontier Lands Division and Minimum Area

The relevant portions of the existing Canada Oil and Gas Land Regulations, dealing with land division and survey, were prepared on the basis of the 1927 North American Datum (NAD) pursuant to the *Territorial Lands Act* and the *Public Lands Grants Act*. With the creation of a new satellite survey system, NAD 1983, more accurate methods of surveying have been developed. New regulations are being produced to reflect this technological advance.

The proposed regulations were discussed with the Canadian Association of Petroleum Producers. Industry favours the greater degree of accuracy that new surveying methods will provide. This initiative is the same as EMR-23 that appeared in the 1992 *Federal Regulatory Plan*.

Legal authority: *Canada Petroleum Resources Act*, section 107

Contact: Mimi Fortier, A/Director, Northern Oil and Gas, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 626, 10 Wellington Street, Hull, Quebec, K1A 0H4.
Tel.: (819) 997-0878; Fax: (819) 953-5828.

IAND/94-38-L

Frontier Lands Registration

The *Canada Petroleum Resources Act* allows for the making of regulations respecting the registration and filing of documents with regard to petroleum interests, including the registration of encumbrances. These regulations establish a system to permit the registration of interests (exploration, significant discovery and production licences) and instruments (e.g., transfers), and the retrieval of information. The proposed amendments will ensure that the English and French versions are equivalent and will streamline the operation of the registry system.

The petroleum industry is already complying with the regulations. The amendments will have no negative impact; rather, they will make it easier for industry to

comply with the regulations. This initiative is the same as NRCan-27 that appeared in the 1994 *Federal Regulatory Plan*.

Legal authority: *Canada Petroleum Resources Act*, sections 100 and 107

Contact: Mimi Fortier, A/Director, Northern Oil and Gas, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 626, 10 Wellington Street, Hull, Quebec, K1A 0H4.
Tel.: (819) 997-0878; Fax: (819) 953-5828.

INAC/95-26-L

Yukon Timber

These regulations govern the disposition of timber-cutting rights on territorial lands in the Yukon Territory. Amendments will deal with concerns raised by the Standing Joint Committee for the Scrutiny of Regulations. These concerns relate to notice of cancellation of permits and appeal procedures.

Legal authority: *Territorial Lands Act*, sections 18 and 23

Contact: Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9090
Fax: (819) 953-2590.

INAC/95-27-L

Yukon Forest Protection

These regulations provide for forest protection on territorial lands in the Yukon Territory. Amendments will clarify the federal government's authority to hire or summon extra firefighters on an emergency basis. Additional amendments, which respond to a concern of the Standing Joint Committee for the Scrutiny of Regulations, will require notice to be provided to land occupants before forestry officers enter an infected area to control or eradicate insects or disease. This regulatory initiative will have minimal impact since the regulatory regime will remain unchanged.

Legal authority: *Territorial Lands Act*, sections 18 and 23; *Federal Real Property Act*, paragraph 15(2)(a)

Contact: Ian Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull,

Quebec, K1A 0H4. Tel.: (819) 997-9090;
Fax: (819) 953-2590.

INAC/96-7-L

Dominion Water Power Act Special Regulations

The federal government retained control and administration of the water power rights for certain hydro operations in Alberta under the *Alberta Natural Resources and Transfer (Amendments) Act* of 1945. It is necessary to develop special regulations, under the federal *Dominion Water Power Act* (DWPA), in order to relicense two Alberta hydro operations, at Kananaskis Falls and Horsehoe Falls on the Bow River. The current general regulations under the DWPA are vague respecting licence renewal and it is essential to establish clear authority for these renewals. The Department will consult with the Province of Alberta, the hydro operators and affected First Nations when developing these regulations.

Legal authority: *Dominion Water Power Act*, section 15

Contact: Chris Cuddy, Director, Water Power, DWPA, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 618, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-7483; Fax: (819) 997-9623.

Future initiatives

Archaeological Sites - Yukon and Northwest Territories

These regulations govern the examination, disposition and removal of archaeological and historical resources found in the Yukon Territory and the Northwest Territories. Overall responsibility for archaeology has already been transferred to the commissioners of the Yukon Territory and the Northwest Territories. However, amendments to the regulations, pursuant to the *Yukon Act* and the *Northwest Territories Act*, would allow the Minister to delegate authority for these regulations to the commissioners of the Yukon Territory and the Northwest Territories, respectively, to ensure current arrangements are consistent with regulatory authority. The regulations would also be updated in accordance with the Nunavut Land Claim Final Agreement. As an alternative, the Department is considering waiting for the final devolution of programs to the two territories, in which case these

regulations would no longer be required and could be revoked.

Classification: Low-cost initiative

Contact: Sheila Meldrum, Senior Analyst, Program Devolution, Sectoral Policy and Program Devolution, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, Room 949, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 997-9336; Fax: (819) 997-0552.

Canada Mining Royalty Regime

The Canada Mining Regulations (CMR) govern the administration and disposition of mineral rights in the Northwest Territories. Based on recent discoveries in the Northwest Territories, it appears that Canada has great potential to become a major world producer of diamonds.

The CMR have adequately regulated the assessment of royalties for minerals that can be evaluated in bulk, such as precious metals or base metals. However, the Regulations were not designed to deal with a product whose value is specific to individual specimens, such as diamonds. Exploration for diamonds is being satisfactorily carried out under the CMR. However, an analysis to determine what, if any, new legislation and regulations may be required will be completed before diamond production begins.

The analysis, which is currently under way, will identify amendments or new legislation and consequent regulations, taking into account concerns relating to the existing royalty regime, revenue generation, economic development, security, Aboriginal issues and the environment. The analysis is being undertaken cooperatively with Finance Canada, Industry Canada, Natural Resources Canada and the Government of the Northwest Territories. In addition, the mining industry will be consulted and, under the terms of the land claims agreements, consultations will also be undertaken with representatives of the Aboriginal peoples of the Northwest Territories.

Classification: Intermediate-cost initiative

Contact: John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-6434; Fax: (819) 953-9066.

Cree-Naskapi Special Band Meetings

These regulations will govern special band meetings of the Cree bands and the Naskapi band. They will include provisions for calling and conducting meetings, including provisions for voting at meetings and for preparing and keeping records of votes taken. However, the regulations will apply only if, at the time of the calling of a special band meeting, there is no special band meeting by-law in force.

The regulations will apply only to the eight Cree bands and the Naskapi band of northern Quebec (population 10,000). Their application will be very limited. These regulations will have no impact on the Canadian economy. Furthermore, there will be no financial costs to the federal government associated with the regulations. These regulations are being developed in consultation with the Cree bands and the Naskapi band.

Classification: Low-cost initiative

Contact: Jean-François Neault, Director, Negotiations and Agreement Implementation, Quebec Regional Office, Indian and Northern Affairs Canada, 320 St. Joseph East, P.O. Box 51127, Postal Outlet G. Roy, Quebec, Quebec, G1K 8Z7. Tel.: (418) 648-7687; Fax: (418) 648-5086.

Cree-Naskapi Band Referenda

These regulations will govern band referenda of the Cree bands and the Naskapi band. They will include provisions for calling and conducting referenda, including provisions for voting in referenda and for preparing and keeping records of votes taken. However, the regulations will apply only if, at the time of the calling of a band referendum, there is no band referenda by-law in force.

These regulations will apply to the eight Cree bands and the Naskapi band of northern Quebec (population 10,000). Their application will be very limited. These regulations will have no impact on the Canadian economy. Furthermore, there will be no financial costs to the federal government associated with the regulations. These regulations are being developed in consultation with the Cree bands and the Naskapi band.

Classification: Low-cost initiative

Contact: Jean-François Neault, Director, Negotiations and Agreement Implementation, Quebec Regional Office, Indian and Northern Affairs, 320 St. Joseph East, P.O. Box 51127, Postal Outlet G. Roy, Quebec,

Quebec, G1K 8Z7. Tel.: (418) 648-7687;
Fax: (418) 648-5086.

Mine Site Reclamation

Amendments to the *Yukon Quartz Mining Act* will make it possible for this regulation to deal with the environmental impact of mining from the advanced exploration stage through closure and abandonment. A discussion paper on this regulation was released to the public in 1993. The regulation will be developed after completion of public consultation on the discussion paper.

Classification: Major initiative

Contact: Martin Barnett, Senior Advisor, Mining/Environmental Interface, Mineral Resources, Natural Resources and Environment, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-0912; Fax: (819) 953-9066.

Territorial Dredging

The Territorial Dredging Regulations, promulgated in 1978, govern dredging rights for minerals in submerged river beds in the Northwest Territories and the Yukon Territory. These regulations require some updating. However, changes are not expected to be major or controversial.

An assessment will identify proposed amendments which would then be discussed with stakeholders. Revisions would be made as part of normal ongoing regulatory change. Timing will be dependent on the extent of change required, concurrence on amendments and other priorities.

Classification: Low-cost initiative

Contact: John Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Indian and Northern Affairs Canada, Les Terrasses de la Chaudière, 6th Floor, 10 Wellington Street, Hull, Quebec, K1A 0H4. Tel.: (819) 994-6434; Fax: (819) 953-9066.

Content

Initiatives for 1996

Bankruptcy Branch

Bankruptcy and Insolvency - Consequential Amendments Relative to the New Legislation	124
--	-----

Bankruptcy and Insolvency - Fees Payable to Court Officers	124
--	-----

Bankruptcy and Insolvency - Fees Payable to Trustees for Summary Proceedings and Consumer Proposals.....	123
--	-----

Bankruptcy and Insolvency - Rules and Forms	123
---	-----

Levy Adjustment.....	125
----------------------	-----

Spectrum Engineering Branch

AM Carrier Current Transmitters	125
---------------------------------------	-----

Broadcasting Receiving Apparatus	125
--	-----

Broadcasting Technical Data Services Fees Order	126
---	-----

Interference-Causing Equipment Standards List - Ongoing Amendments to the List of Applicable Standards	126
--	-----

Low-Power Announce Transmitters	125
---------------------------------------	-----

Radio Standards Specifications - Revised Standards.....	127
---	-----

Telecommunication Apparatus Assessment and Testing Fees	127
---	-----

Radiocommunication and Broadcasting Regulatory Branch

External Submarine Cable Regulations	129
--	-----

Licensing of Mobile Satellite Systems.....	127
--	-----

Radio Regulations - Reform	128
----------------------------------	-----

Ticket Offences	128
-----------------------	-----

Canadian Intellectual Property Office

Copyright - Regulations and Fees.....	129
---------------------------------------	-----

Industrial Design - Regulations and Fees.....	129
---	-----

Patent Regulations.....	130
-------------------------	-----

Trade-marks Regulations.....	130
------------------------------	-----

Consumer Products Branch

Consumer Packaging and Labelling Regulations - Initiatives Arising from 1992 Regulatory Review - Revocation: Section 36, Standardized Container Sizes.....	131
--	-----

Consumer Packaging and Labelling Regulations - Minor Revisions.....	131
---	-----

Consumer Packaging and Labelling Regulations - Net Quantity of Canned Fish Products.....	131
--	-----

Consumer Packaging and Labelling Regulations, Revision: Section 6, Specialty Product and Test Market Provisions.....	132
--	-----

Corporations Directorate

Canada Business Corporations Act - Constrained Shares	133
---	-----

Canada Business Corporations Act - Electronic Filing	133
--	-----

Canada Business Corporations Act - Exemption from Filing	133
--	-----

Canada Business Corporations Act - Fees - Application for Exemption Regarding Insider Reports - Certificate of Compliance	132
---	-----

Canada Business Corporations Act - Insider Trading, Proxy and Proxy Solicitation, Financial Disclosure and Take-Over Bids.....	134
--	-----

Canada Business Corporations Act - Miscellaneous Regulatory Amendment.....	134
--	-----

Legal Metrology Branch

Electricity and Gas Inspection Regulations.....	135
---	-----

Weights and Measures Regulations - Automatic Temperature Compensation of Petroleum Products	136
---	-----

Weights and Measures Regulations - Diamonds and Gemstones	135
---	-----

Weights and Measures Regulations - Harmonization of Technical Standards	136
---	-----

Weights and Measures Regulations - Load Cell Standards	138
--	-----

Weights and Measures Regulations - Minor and Technical Amendments	136
Weights and Measures Regulations - Specifications for Mass Flow Meters.....	138
Weights and Measures Regulations - Specifications for Metrological Audit Trails	137
Weights and Measures Regulations - Specifications for Non-Automatic Weighing Devices	137
<u>Lobbyists Registration Branch</u>	
Lobbyists Registration - Information Disclosure and Electronic Filing Provisions	139
<u>Bureau of Competition Policy</u>	
Cost Recovery Initiative.....	139
Future initiatives	
<i>Canada Business Corporations Act</i> - Insider Trading	140
Intellectual Property - Fee Changes	140
Interference-Causing Equipment Standards.....	140
Radio Standards Specifications.....	141
Weights and Measures Regulations - Specifications for Electromagnetic Compatibility	141

General information

Roles and responsibilities

The Department's vision is sustainable growth through increased productivity and competitiveness in Canada's private sector. To realize this vision, the Department focuses its efforts on three mutually reinforcing lines of business.

Microeconomic policy

Industry Canada is the government's lead department on the microeconomic policy agenda from both the producer and consumer standpoints. The Department plays a key role in developing science and technology policy, and takes the lead in developing competition policy, federal corporate law administration, bankruptcy law and intellectual property standards, all of which encourage competition and innovation.

Marketplace rules and services

Industry Canada implements and manages many of the rules of the marketplace. The extensive marketplace support we provide – including corporate registration, bankruptcy services, legal metrology inspection, spectrum interference monitoring, consumer product inspection, and the promotion of voluntary codes of practice – helps to ensure that businesses and consumers benefit from a marketplace that is open, fair and efficient. Marketplace rules and the services that support them are the main building blocks of a competitive business environment.

Industry sector development

Industry Canada provides a broad range of unique, world-class services, information products and sectoral policies designed to help Canadian industry compete successfully in domestic and international markets. Our efforts are designed to benefit all industry, but individual efforts are tailored to specific needs in 14 major sectors. We pay close attention to the special needs of small and medium-sized enterprises such as trade development, technology diffusion, strategic intelligence and information.

Regulatory regime

Industry Canada's regulations support a fair and efficient Canadian marketplace, and provide an infrastructure for the Canadian radiocommunications, broadcasting and telecommunications industries. Important objectives include enhancing Canadian competitiveness; reducing the administrative burden on government, industry and small business; exploring alternatives to regulation where appropriate; harmonizing the regulatory framework, particularly with respect to standards; and increasing the efficiency of the regulatory process. Areas we regulate include bankruptcy and insolvency, radiocommunications and broadcasting, intellectual property, the packaging and labelling of non-food consumer products, corporations subject to the *Canada Business Corporations Act*, electricity and gas inspection, weights and measures, competition, and lobbyist registration.

Legislative mandate

Industry Canada administers a broad range of acts, including those listed below:

- *Bankruptcy and Insolvency Act*
- *Boards of Trade Act*
- *Business Development Bank of Canada Act*

- *Canada Business Corporations Act*
- *Canada Cooperative Associations Act*
- *Canada Corporations Act*
- *Canadian Space Agency Act*
- *Cape Breton Development Corporation Act*
- *Companies' Creditors Arrangements Act*
- *Competition Act*
- *Competition Tribunal Act*
- *Consumer Packaging and Labelling Act*
- *Copyright Act*
- *Department of Industry Act*
- *Electricity and Gas Inspection Act*
- *Industrial Design Act*
- *Integrated Circuit Topography Act*
- *Investment Canada Act*
- *Lobbyists Registration Act*
- *National Research Council Act*
- *Natural Sciences and Engineering Research Council Act*
- *Patent Act*
- *Pension Fund Societies Act*
- *Precious Metals Marking Act*
- *Public Servants Inventions Act*
- *Radiocommunication Act*
- *Small Business Loans Act*
- *Social Sciences and Humanities Research Council Act*
- *Standards Council of Canada Act*
- *Telecommunications Act*
- *Textile Labelling Act*
- *Trade-marks Act*
- *Weights and Measures Act*

Administrative arrangements

- *Canada Agricultural Products Act*
- *Corporations and Labour Unions Returns Act*
- *Excise Act*
- *Fish Inspection Act*
- *Food and Drugs Act*
- *Shipping Conferences Exemption Act*
- *Teleglobe Canada Reorganization and Divestiture Act*
- *Telesat Canada Reorganization and Divestiture Act*
- *Winding-up Act*

Initiatives for 1996

Bankruptcy Branch

CCAC/93-26-L

Bankruptcy and Insolvency - Rules and Forms

The Bankruptcy and Insolvency Rules and the prescribed forms include some provisions that are

obsolete or inadequate. A complete revision of the Rules and the accompanying forms is required.

In general, the Rules and the prescribed forms aim to ensure the certainty and uniformity of the procedure before the courts.

The objectives of this revision are to modernize, clarify and harmonize the Bankruptcy Rules and Forms to eliminate duplication and to repeal obsolete provisions.

The revision will make the *Bankruptcy and Insolvency Act* easier to administer. Moreover, it will be designed to reduce paper burden, especially the disproportionate burden borne by professionals and business people. Note that Rule 3, which prescribes that forms can be modified in accordance with the circumstances, will be maintained.

Until the modifications come into force, we will consult insolvency professionals and the provinces that administer the courts that have jurisdiction in bankruptcy matters.

Responsibility for ensuring conformity to Rules and prescribed forms rests, in part, with the Superintendent of Bankruptcy, and with the courts that have jurisdiction in bankruptcy matters.

Having considered all alternatives, we consider regulation the most appropriate means of proceeding.

Legal authority: *Bankruptcy and Insolvency Act*, R.S.C. 1985, chapter B-3; *Act to Amend the Bankruptcy and Insolvency Act and the Income Tax Act thereto*, S.C. 1992, section 27

Contact: George Redling, Superintendent of Bankruptcy, Industry Canada, Journal Tower South, 8th Floor, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C9. Tel.: (613) 941-2691; Fax: (613) 941-2862; Internet: bankruptcy.canada@ic.gc.ca

IC/96-1-L

Bankruptcy and Insolvency - Fees Payable to Trustees for Summary Proceedings and Consumer Proposals

Rule 115 of the Bankruptcy and Insolvency Rules establishes the fee and disbursement structure for bankruptcy trustees in summary proceedings. Its most recent amendment dates back to 1990. Rule 116, dating back to 1992, sets forth the fees and disbursements pertaining to consumer proposals.

The amounts of these fees and disbursements will be reviewed and amended to reflect the costs incurred in

administering the assets, and the conditions of the market and of the economy. This amendment will result in a better balance being struck between the services rendered and the fees requested.

Any increase in fees will directly affect the dividends distributed to the creditors, along with the amount paid to the Superintendent of Bankruptcy.

Having considered all alternatives, we consider regulation the most appropriate means of proceeding.

Consultations with members of the insolvency community – trustees, lawyers, creditors' associations, business people and other interested parties – are under way to determine the scope of the amendments required.

Legal authority: *Bankruptcy and Insolvency Act*, R.S.C. 1985, chapter B-3 and amendments in *An Act to Amend the Bankruptcy Act and the Income Tax Act thereto*, S.C. 1992, chapter 27, section 156, paragraph 66.12(6)(b)

Contact: George Redling, Superintendent of Bankruptcy, Industry Canada, Journal Tower South, 8th Floor, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C9. Tel.: (613) 941-2961; Fax: (613) 941-2862; Internet: bankruptcy.canada@ic.gc.ca

IC/96-2-L

Bankruptcy and Insolvency - Fees Payable to Court Officers

Section 214 of the *Bankruptcy and Insolvency Act* provides that the fees payable to officers of the court for proceedings related to insolvency matters under the Act shall be established by the Bankruptcy and Insolvency Rules.

The current tariff in its original form dates back to the 1950 Bankruptcy Rules. It was amended once in 1978; these amendments simplified the application of the tariff by providing the option of a single fee in certain cases.

The new tariff, which increases the fees payable to court officers, better reflects the actual costs involved in administering an estate. The tariff would keep a single fee structure while adding a scale of fees for various services rendered to persons other than trustees.

The Department considered different alternatives. The status quo is not acceptable because the tariff is not uniformly applied across the country. Eliminating the tariff is impractical and unacceptable. A third alternative would be to allow the provinces to set tariffs. However, section 214 of the Act would have to

be amended to permit such delegation. Finally, setting out fees in guidelines rather than regulations was considered, but this alternative was rejected because the fees set through guidelines would not be binding.

To determine that scope of the amendments, the Department consulted with various members of the insolvency community, including trustees, lawyers, creditors' associations, business people and other interested parties.

Legal authority: *Bankruptcy and Insolvency Act*, R.S.C. 1985, chapter B-3 and amendments in *An Act to Amend the Bankruptcy Act and the Income Tax Act thereto*, S.C. 1992, chapter 27, section 156, paragraph 66.12(6)(b)

Contact: George Redling, Superintendent of Bankruptcy, Industry Canada, Journal Tower South, 8th Floor, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C9. Tel.: (613) 941-2691; Fax: (613) 941-2862; Internet: bankruptcy.canada@ic.gc.ca

IC/96-3-L

Bankruptcy and Insolvency - Consequential Amendments Relative to the New Legislation

A bill to amend the *Bankruptcy and Insolvency Act*, R.S.C. 1985, chapter B-3, and amendments, 1992, S.C. chapter 27, may be tabled in the House in 1995-96. If Parliament were to adopt and implement this bill in 1996, the rules and forms promulgated under current insolvency laws would need revision to update them and to harmonize them with the new legislation. Care would be taken to avoid placing an excessive bureaucratic burden on insolvency professionals and business people.

The Department will consult with various members of the insolvency community, including trustees, lawyers, creditors' associations, business people and other interested parties at the appropriate time.

Having considered all alternatives, we consider regulation the most appropriate means of proceeding.

Legal authority: *Bankruptcy and Insolvency Act*, R.S.C. 1985, chapter B-3 and amendments in *An Act to Amend the Bankruptcy Act and the Income Tax Act thereto*, S.C. 1992, chapter 27, section 156, paragraph 66.12(6)(b)

Contact: George Redling, Superintendent of Bankruptcy, Industry Canada, Journal Tower South, 8th Floor, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C9. Tel.: (613) 941-2691; Fax: (613) 941-2862; Internet: bankruptcy.canada@ic.gc.ca

IC/R-4-L

Levy Adjustment

Rule 113 under the *Bankruptcy and Insolvency Act* prescribes the fee payable to the Superintendent of Bankruptcy to recover the costs of operations of the Office of the Superintendent. This fee is levied against dividends paid to creditors.

The Office of the Superintendent reviews the rate periodically and may adjust it.

The level of any rate increase and the resulting increased cost to beneficiaries of these services are not known at this time. However, the Office of the Superintendent of Bankruptcy will consult stakeholders concerning any proposed changes to the rate.

Legal authority: *Bankruptcy and Insolvency Act*, R.S.C. 1985, chapter B-3

Contact: George Redling, Superintendent of Bankruptcy, Industry Canada, Journal Tower South, 8th Floor, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C9. Tel.: (613) 941-2691; Fax: (613) 941-2862; Internet: bankruptcy.canada@ic.gc.ca

Spectrum Engineering Branch

IC/94-2-L

AM Carrier Current Transmitters

Carrier current undertakings transmit radio signals via power lines. Operators of AM carrier current transmitters that form part of these undertakings are currently required to obtain a broadcasting certificate and a technical acceptance certificate (TAC). This initiative would remove the requirement to hold a broadcasting certificate, providing transmitters meet the technical standards and requirements necessary for the issuance of the TAC.

These technical standards and requirements are established in Broadcasting Equipment Technical Standard 2 (BETS-2), "Technical Standards and Requirements for AM Carrier Current Transmitters that Form Part of a Carrier Broadcasting Undertaking."

This initiative will form part of the ongoing reform of the Radio Regulations. By reducing the administrative burden on both the operators of AM carrier current undertakings and the department, this initiative will reduce the cost of regulating these undertakings. The broadcasting industry has been fully consulted on this initiative.

Legal authority: *Radiocommunication Act*, section 5

Contact: Fernand Bouchard, Senior Engineer, Spectrum Engineering Branch, Industry Canada, Room 1136, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 998-1691; Fax: (613) 991-0652; Internet: broadcast.gazette@ic.gc.ca

IC/94-3-L

Broadcasting Receiving Apparatus

Broadcasting receiving apparatus are radio apparatus capable of receiving home entertainment broadcasts. Broadcasting receiving apparatus include TV receivers, TV converters, video recording devices, closed-caption decoders, descramblers, satellite receivers and television interface devices that produce one or several signal(s) fed to the input terminals of another receiving apparatus.

This initiative will create a class of radio apparatus called "broadcasting radio apparatus" that will replace all the existing classes for these apparatus. As a consequence, all broadcasting receiving apparatus will have to comply with technical standards and requirements established for that class in Broadcasting Equipment Technical Standard 7 (BETS-7), "Technical Standards and Requirements for Broadcasting Receiving Apparatus."

The creation of a single class of apparatus, replacing the four classes that now exist, will reduce the administrative burden on manufacturers and the Department. Furthermore, the standards applying to the new class will be harmonized with existing U.S. standards for similar apparatus. This initiative is expected to reduce the costs of complying with the present regulations. We have begun consulting with major industry groups and will continue to consult before implementation.

Legal authority: *Radiocommunication Act*, section 5

Contact: Fernand Bouchard, Senior Engineer, Spectrum Engineering Branch, Industry Canada, Room 1136, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 998-1691; Fax: (613) 991-0652; Internet: broadcast.gazette@ic.gc.ca

IC/94-4-L

Low-Power Announce Transmitters

Low-power announce undertakings operating in the frequency bands 525-1,705 kHz and 88-107.5 MHz are broadcasting undertakings. The low-power announce transmitters that form part of these undertakings are

currently required to obtain a broadcasting certificate and a technical acceptance certificate (TAC). This initiative would remove the requirement to hold a broadcasting certificate, providing transmitters meet the technical standards and requirements necessary for the issuance of the TAC.

These technical standards and requirements are established in Broadcasting Equipment Technical Standard 1 (BETS-1), "Technical Standards and Requirements for Low-Power Announce Transmitters in the Frequency Bands 525-1,705 kHz and 88-107.5 MHz."

This initiative will form part of the ongoing reform of the Radio Regulations. By reducing the administrative burden on both the operators of low-power announce undertakings and the Department, this initiative will reduce the costs of regulating these undertakings. The broadcasting industry has been fully consulted on this initiative.

Legal authority: *Radiocommunication Act*, section 5

Contact: Fernand Bouchard, Senior Engineer, Spectrum Engineering Branch, Industry Canada, Room 1136, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 998-1691; Fax: (613) 991-0652; Internet: broadcast.gazette@ic.gc.ca

COM/91-107-L

Broadcasting Technical Data Services Fees Order

The Department charges a fee for the provision of broadcast technical data to the public. Currently, these fees are prescribed by order under section 19 of the *Financial Administration Act*.

The Department will repeal this order but will continue to provide the data using the authority to fix fees that is granted to the Minister of Industry in section 19 of the *Department of Industry Act*.

Consultations will take place before the Department fixes the fees. It is expected that the cost to the public for the information will remain the same. Using the *Department of Industry Act* to fix the fees will permit Industry Canada to make new products available to the public much sooner and to remove outdated products more quickly.

Legal authority: *Financial Administration Act*, section 19; *Department of Industry Act*, section 19

Contact: Fernand Bouchard, Senior Engineer, Spectrum Engineering Branch, Industry Canada,

Room 1136, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 998-1691; Fax: (613) 991-0652; Internet: broadcast.gazette@ic.gc.ca

IC/R-5-L

Interference-Causing Equipment Standards List - Ongoing Amendments to the List of Applicable Standards

Interference-causing equipment standards set methods of measurement and limits for radio noise emissions from electrical equipment. These limits apply to non-radio equipment and are intended to prevent pollution of the radio environment, preserving it for the interference-free operation of the radio communications services vital to the Canadian economy and the safety and convenience of Canadian citizens. When a standard for a particular class of equipment is listed in the Interference-Causing Equipment Standards List, it becomes mandatory for all such equipment manufactured in or imported into Canada.

New and revised standards will be added to the list from time to time on an ongoing basis, for a variety of reasons. Most amendments are made to bring the standards in line with the introduction of improved measurement technology or to improve their correspondence with revisions to international standards. New standards are added to address the introduction of new electrical/electronic devices and services, to control the effect of devices that have become an interference problem because of their proliferation or to satisfy reciprocity requirements of international obligations such as NAFTA.

Timely introduction of such standards has a minimal economic impact upon manufacturers, as the introduction of compliance methods at the design stage will minimize additional costs. Furthermore, manufacturers and importers are already required, under the Interference-Causing Equipment Regulations, to ensure that all electrical equipment is unlikely to cause radio interference. Standards simply refine the means of providing that assurance. Matching these standards, as far as possible, with world or regional norms also tends to minimize the cost of compliance by reducing the duplication of effort which would otherwise be required to satisfy diverse requirements in different countries.

Through consultation, we seek consensus between manufacturers and suppliers of the affected equipment and the radiocommunications industry, whose successful operation would be compromised by

the absence of adequate controls on the pollution of the electromagnetic environment. The Department ensures that the opposing interests of both parties are represented when developing the basic standards.

The alternative to mandatory standards is voluntary observance of emission control design by the manufacturers. Because of the adversarial interests of the providers of the affected equipment and the users of the radio spectrum, this approach is, demonstrably, unworkable.

Legal authority: *Radiocommunication Act*, section 5

Contact: Garth Roberts, Director, EMC Analysis and Consultation, Spectrum Engineering Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 990-4716; Fax: (613) 952-5108.

IC/R-6-L

Radio Standards Specifications - Revised Standards

Radio standards specifications set methods of measurement and limits for the technical characteristics of radio apparatus. Under the regulatory reform resulting from proclamation of the *Radiocommunication Act*, any radio equipment intended for use in Canada must comply with these standards. While the requirement for compliance with such standards is not new, the reference to these standards in the regulations is new. As such, the radio standards specifications are being rewritten to incorporate structural and administrative requirements necessitated by the new regulatory structure. No basic technical changes to the standard are proposed at this time.

As most radio equipment currently manufactured in or imported into Canada already complies with the current radio standards specifications and will be subject to "grandfathering" under the new regulations, the economic impact of these revisions, if any, will be minimal. In any event, the affected industries are an integral part of the development team for the radio standards specifications and will be consulted throughout the revision process.

Legal authority: *Radiocommunication Act*, section 5

Contact: Kwai Lum, Manager, Radio Equipment Standards, Spectrum Engineering Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C9. Tel.: (613) 990-4699; Fax: (613) 952-5108.

COM/92-11-I

Telecommunication Apparatus Assessment and Testing Fees

The fees charged for the technical assessment, testing and certification of radio and terminal equipment are periodically reviewed and revised to ensure that departmental costs are recovered. This proposal will adjust the fees to reflect current costs of providing these services, in keeping with government policies on cost recovery.

All fee increases are expected to be minimal and testing fees will be based upon fees charged by private labs.

The Department will consult with the affected stakeholders.

Legal authority: *Financial Administration Act*, section 19

Contact: Robert Corey, Manager, Spectrum Engineering Branch, Industry Canada, 1241 Clyde Avenue, Ottawa, Ontario, K2C 1Y3. Tel.: (613) 952-1500; Fax: (613) 952-1088.

Radiocommunication and Broadcasting Regulatory Branch

IC/94-37-I

Licensing of Mobile Satellite Systems

Satellite systems, which provide a variety of land mobile, maritime and aeronautical communication services, are just beginning to be introduced in Canada. Currently, such mobile services, including position location information, are generally provided via foreign satellites since no dedicated mobile Canadian satellites exist. Current radio license fee regulations are based on large bandwidth telecommunication satellites and their associated earth stations, such as Telesat Canada's Anik satellites, which deliver telephone, television, data, and other services throughout Canada.

This review will develop a new regulatory approach that is more in keeping with the nature of these new mobile satellite systems. It will also develop a better way of licensing the mobiles that communicate with such satellites to minimize the impact of licensing on the end user. Consequently, the radiocommunication regulations will accommodate this new type of satellite and the associated mobile units, and will include the radio station licence fees to be levied.

This initiative should have only a minor economic impact on the end users of these new services, and will make it unnecessary for end users to hold a licence for the mobile satellite terminal. The economic spin-offs of this initiative include employment, improved productivity and the creation of infrastructure that will allow Canada to compete globally.

The status quo was unacceptable; new technology has dictated the need for these changes.

Consultations with industry service providers are ongoing.

Legal authority: *Radiocommunication Act*, section 6

Contact: Ronald G. Amero, Manager, Space Services Frequency and Orbit Management, Radiocommunication and Broadcasting Regulatory Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 998-3759; Fax: (613) 952-9871; Internet: amero.ron@ic.gc.ca

COM/92-12-1

Radio Regulations - Reform

This initiative is the result of a major review of all regulations made under the old *Radio Act*, in light of the powers found in the *Radiocommunication Act*. The four existing sets of regulations will be replaced with one set of comprehensive regulations. This will simplify the regulations, make them easier to comprehend and to allow the department to react more effectively to the demands of rapidly changing technology.

As a result of the review, the Interference-Causing Equipment Regulations, the Radio Operators' Certificate Regulations, and Parts I and II of the General Radio Regulations will be consolidated into one new set of regulations. This new set will be modern, simple and organized in a manner that makes it easier to modify and understand the regulations. Also, to ensure linguistic consistency with the new regulations, there will be consequential amendments to existing standards and to the Schedule of Contraventions under the *Contraventions Act* and the *Radiocommunication Act*. Revisions to a ministerial order under the *Financial Administration Act* may also be necessary.

The Department will significantly reduce the number of regulations by incorporating technical standards into regulations by reference, and by revoking unenforceable, redundant and outdated provisions. The new regulations will also be easier to enforce.

These amendments should not significantly change the Department's revenues or costs, and should reduce costs to industry. In reforming the licence fee structure, every effort is being made to maintain equitable, reasonable fees.

The Department consulted extensively with representatives of the Canadian radio industry and other interested parties before developing new regulations in 1990. Subsequent consultations to review the proposed regulatory package were held in 1993. Stakeholders will have an additional opportunity to comment when the regulations are published in the *Canada Gazette*, Part I.

Legal authority: *Radiocommunication Act*, section 6

Contact: Dave Dawson, Regulatory Policy Analyst, National and International Regulations, Radiocommunication and Broadcasting Regulatory Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 998-2928; Fax: (613) 993-4433.

IC/96-7-1

Ticket Offenses

The Spectrum Management Program has a progressive enforcement policy for contraventions of its regulations, encouraging parties to such contraventions to comply voluntarily with regulations. The usual process consists of client education, followed by verbal and/or written warnings, if necessary, and, finally, prosecution.

As a way to obtain compliance, prosecution is an expensive method, both for the party charged and for the Department. To minimize this burden, the Department has decided to identify a number of prohibitions, described in the *Radiocommunication Act* and the Radio Regulations, and to prescribe fines for offenses against those prohibitions. Both the prohibitions and the fines will be identified in regulations so that the Department can issue tickets for contraventions of those prohibitions. Implementation costs will be minimal.

This initiative has been planned for some time and mentioned to various associations over the past few years. There is no anticipated effect on the general public since prohibitions already exist.

Maintaining the status quo is not feasible as the enforcement process is not gradual enough. Fines will be an additional stage in the process.

This initiative will help the Department manage the radio frequency spectrum by providing a cost-effective enforcement tool and will also reduce the Department's reliance on an already overburdened justice system.

Legal authority: *Radiocommunication Act*, section 12

Contact: Terry Rudeen, Chief, Spectrum Control, Spectrum Management Operations Directorate, Radiocommunications and Broadcast Regulatory Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 990-4745; Fax: (613) 952-9871.

IC/96-8-I

External Submarine Cable Regulations

With the coming into force of the new *Telecommunications Act* on October 25, 1993, a requirement exists to update and harmonize the External Submarine Cable Regulations, which were promulgated under the old *Telegraphs Act*.

This initiative will provide a review of the relevant regulations. It will include, among other things, a review of the procedures governing applications for licences and the conditions attached thereto; the form and class of licences; traffic; fees; and related requirements, such as environmental assessment requirements, policy issues and initiatives.

This initiative is not expected to have a major economic impact on end users. Recently amended legislation requires regulation for the issuance of international submarine cable licences. The nature of this initiative does not allow for self-regulation.

Draft regulations will be discussed with end users.

Legal authority: *Telecommunications Act*, section 22(2)

Contact: Larry Shaw, Director, Industry Structure and Service (DSIS), Telecommunication Policy Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 998-4298; Fax: (613) 952-0567; Internet: shaw.larry@ic.gc.ca

Canadian Intellectual Property Office

IC/94-6-I

Copyright - Regulations and Fees

It is necessary to review current fees and include new fees for copyright registration services. Such fee adjustments will allow the recovery of costs for services for the registration of rights and assignments under the *Copyright Act*.

The revision of the Regulations will clarify certain sections and eliminate others. There is no alternative to regulation. This revision is necessary to clarify or eliminate existing rules as a result of international agreements.

The application form used to apply for registration of a copyright is being revised to make the registry system easier to administer.

The increase in fees is reasonable and is not expected to create an undue cost burden on applicants; current volumes of applications should not be affected.

Consultation with the Canadian Intellectual Property Office's clients in these areas is ongoing.

Legal authority: *Copyright Act*, section 59

Contact: Linda Steingarten, Director, Copyright and Industrial Design Branch, Canadian Intellectual Property Office, Industry Canada, Place du Portage, Phase 1, 5th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel.: (819) 997-1657; Fax: (819) 953-6977; Internet: steingarten.linda@ic.gc.ca

IC/94-7-I

Industrial Design - Regulations and Fees

Access to a revolving fund will make Canadian Intellectual Property Office (CIPO), as a special operating agency, visibly accountable for financing cash flow, revenues and the full costs of its operations. To improve the operations' level of service and to make them self-financing, it is necessary to review current fees and include new fees to recover the costs of processing the public's applications and assignments for industrial designs. Mainly as a result of the *North American Free Trade Agreement Implementation Act*, a revision of the Regulations is needed because of an overlap in the regulation-making powers of the Governor in Council and the Minister. The revision of the Regulations will also clarify certain sections that were recently amended. There is no alternative to regulation. This revision is necessary to clarify the existing regulations.

The increase in fees is reasonable and is not expected to create an undue cost burden on applicants; current volumes of applications should not be affected.

Consultation with the Canadian Intellectual Property Office's clients in this area is ongoing.

Legal authority: *Industrial Design Act*, section 25

Contact: Linda Steingarten, Director, Copyright and Industrial Design Branch, Canadian Intellectual

Property Office, Industry Canada, Place du Portage, Phase I, 5th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel.: (819) 997-1657; Fax: (819) 953-6977; Internet: steingarten.linda@ic.gc.ca

IC/94-9-1

Patent Regulations

The Patent Regulations will be revised as a consequence of the *Intellectual Property Law Improvement Act*, which came into effect on June 9, 1993. This act has the effect of amending the *Patent Act* to give the Department greater scope to make rules affecting the filing, examination and granting of patents. In particular, rules will be drafted respecting the requirements for a filing date; the withdrawal of a patent application before it is open to public inspection; the information required and time limits applicable to claim/withdraw priority for a patent application; the deposit of biological material for the purposes of patent disclosure; the submission of nucleotide/amino acid sequences in electronic form; the prior art effect of Patent Cooperation Treaty applications; the registration of assignments; the abandonment and reinstatement of patent applications; the manner of paying maintenance fees; and any other requirements needed to carry into effect the objectives and purposes of the *Patent Act*. This patents revision initiative incorporates initiatives CCAC-29 and CCAC-22, that were included in the 1992 and 1993 *Federal Regulatory Plan* respectively. Significant added costs to patent applicants are not anticipated.

Alternatives were considered but these regulations are dictated primarily by the Act. Consultation with the Canadian Intellectual Property Office's clients in this area is ongoing.

Legal authority: *Patent Act*, section 12

Contact: Anthony McDonough, Director, Patent Branch, Canadian Intellectual Property Office, Industry Canada, Place du Portage, Phase I, 5th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel.: (819) 953-5864; Fax: (819) 953-9358; Internet: mcdonough.tony@ic.gc.ca

CCAC/91-123-1

Trade-marks Regulations

Amendments are to be made to the Trade-marks Regulations to ensure consistency with current jurisprudence and with current practices and procedures used in the Trade-marks Office.

Regulations that are redundant or that have been found *ultra vires* by the Federal Court are being deleted and the wording of certain regulations is being amended so that the terminology is consistent in the Regulations and in the *Trade-marks Act*.

The Trade-marks Regulations have remained substantially unchanged since the present *Trade-marks Act* was passed in 1952. Since that time, decisions have been rendered by the Federal Court that have found certain sections of the Regulations *ultra vires*. The Trade-marks Office has found particular rules to be less than effective in implementing the provisions of the *Trade-marks Act*, while other rules impede the efficiency of the Trade-marks Office. As well, trade-mark practitioners have raised periodic concerns that certain rules should be amended to facilitate the handling of trade-mark matters before the Trade-marks Office.

The proposed changes will affect almost all of the rules but will not have an impact on existing substantive rights presently accorded to trade-mark owners by the Regulations. Most of the changes affect the documentation filed by the public or the manner in which the Trade-marks Office handles documentation. The changes will decrease the paper workload for both the public and the Trade-marks Office and improve service to the public.

All services received by trade-mark applicants are paid for by the owners of the rights registered by the Office on a complete cost recovery basis. Furthermore, at least 40 per cent of the revenues generated by the Trade-marks Office come from outside Canada. Significant added costs to trade-mark applicants are not anticipated.

Alternatives were considered and used for the forms that are now administrative guidelines and not part of the Regulations themselves. Consultation with the Canadian Intellectual Property Office's clients in this area is ongoing.

Legal authority: *Trade-marks Act*, section 65

Contact: Barbara Bova, Director, Trademarks Examination Branch, Canadian Intellectual Property Office, Industry Canada, Place du Portage, Phase I, 5th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel.: (819) 997-2423; Fax: (819) 953-7620; Internet: bova.barb@ic.gc.ca

Consumer Products Branch

CCAC/91-159-L

Consumer Packaging and Labelling Regulations - Minor Revisions

The Consumer Packaging and Labelling Regulations require minor revisions to reflect amendments made to other regulations or legislation and to improve clarity by deleting references to implementation or expiry dates that have passed.

Amending the regulations is the only viable way to make these changes.

The benefit of this amendment will be clearer, more modern regulations.

No consultations are planned. There will be no change to the requirements established by these regulations.

Legal authority: *Consumer Packaging and Labelling Act*, section 18

Contact: Steve Clarkson, Director, Merchandise Standards Division, Consumer Products Branch, Industry Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel.: (819) 997-1177; Fax: (819) 953-2931.

IC/95-14-L

Consumer Packaging and Labelling Regulations - Net Quantity of Canned Fish Products

As a result of a petition from industry, Fisheries and Oceans plans to amend the Fish Inspection Regulations for net quantity with respect to the treatment of free liquid added at the time of packing. For example, in a can of tuna packed in water, the net quantity is determined exclusive of the water. In the case of tuna packed in oil, however, the net quantity includes the oil. The amendment is intended to treat these products equally by requiring that the net quantity exclude both oil and water.

Since the Consumer Packaging and Labelling Regulations also establish requirements for net quantity, it is necessary that the two sets of regulations be consistent. As a result, it is proposed to amend the Consumer Packaging and Labelling Regulations to reflect the new requirements under the Fish Inspection Regulations.

Amending the regulations is the only viable way to make these changes.

The benefit of this amendment will be consistency with the Fish Inspection Regulations.

Consultations will be coordinated with Fisheries and Oceans.

Legal authority: *Consumer Packaging and Labelling Act*, section 18

Contact: Steve Clarkson, Director, Merchandise Standards Division, Consumer Products Branch, Industry Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel.: (819) 997-1177; Fax: (819) 953-2931.

IC/94-14-L

Consumer Packaging and Labelling Regulations - Initiatives Arising from 1992 Regulatory Review - Revocation: Section 36, Standardized Container Sizes

During the 1970s, standardized container sizes were introduced under the Consumer Packaging and Labelling Regulations for 14 product classes because consumers were being confused by the proliferation of container sizes during the switch to the metric system.

Consultations carried out as part of the 1992 Regulatory Review concluded that these requirements could be revoked because marketplace forces limit the number of container sizes more effectively. This view is supported by the lack of proliferation of sizes in the hundreds of product classes that are not regulated. The requirements also now serve as a form of non-tariff barrier.

A proposal was prepublished in the *Canada Gazette*, Part I on April 1, 1995. It recommended immediate revocation of the standardized size requirements for personal care items and powdered laundry detergents; a sunset date of December 31, 1996 for facial tissue sizes; additional sizes for biscuits and cookies; and the status quo for wine, peanut butter and refined sugar syrups.

Since prepublication, the biscuit and cookie industry has agreed to a immediate revocation, with a 1996 sunset date. Further consultations and study are planned for the remaining three product classes, - wine, peanut butter and refined sugar syrups - to determine the most appropriate sunset date.

Amending the regulations is the only viable way to make these changes.

The benefit of this amendment is to provide industry with more flexibility in packaging for marketing its

products and for meeting environmental waste reduction objectives. The revocation of these regulations will also remove a barrier to trade.

Legal authority: *Consumer Packaging and Labelling Act*, section 18

Contact: Steve Clarkson, Director, Merchandise Standards Division, Consumer Products Branch, Industry Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel.: (819) 997-1177; Fax: (819) 953-2931.

IC/96-9-L

Consumer Packaging and Labelling Regulations, Revision: Section 6, Specialty Product and Test Market Provisions

The *Consumer Packaging and Labelling Act* and Regulations are intended to further consumer interests by requiring the provision of basic, accurate information on prepackaged consumer products, including the name and net quantity of the product, and by prohibiting misrepresentation in the labelling of these products.

Prescribed information must be provided in both languages. Relief from the bilingual labelling requirements, however, is provided for a product that is a specialty product or a test market product.

Amendments to these requirements are being proposed to improve the efficiency of their enforcement and that of companion requirements under the Food and Drug Regulations. As a result, this initiative will be undertaken in conjunction with Agriculture and Agri-Food Canada, which administers these requirements as they apply to food.

Amending the regulations is the only viable way to achieve this goal.

Consultations will be held with industry, consumer groups and other interested departments.

This amendment will be enforced as part of the routine inspection activity of Industry Canada.

Legal authority: *Consumer Packaging and Labelling Act*, section 18

Contact: Steve Clarkson, Director, Merchandise Standards Division, Consumer Products Branch, Industry Canada, Place du Portage, Phase I, Hull, Quebec, K1A 0C9. Tel.: (819) 997-1177; Fax: (819) 953-2931.

Corporations Directorate

IC/94-18-L

Canada Business Corporations Act - Fees - Application for Exemption Regarding Insider Reports - Certificate of Compliance

This amendment would allow the director appointed under the *Canada Business Corporations Act* (CBCA) to collect a fee to recover the cost of examining applications for exemption from the statutory requirement to file reports of insider trading in the shares or debt obligations of a CBCA corporation. This exemption is pursuant to subsection 127(8) of the CBCA.

This regulatory initiative also modifies the fee structure applicable to certificates of compliance issued by the director appointed under the *Canada Business Corporations Act*. Schedule II of the *Canada Business Corporations Regulations* now provides for the payment of a \$10 fee for the issuance of a certificate of compliance. This certificate cannot be issued if the corporation is not in good standing. In such cases, fees must be refunded even though the research work has already been completed.

It is proposed that the fee for the issuance of a certificate of compliance be revoked and replaced with a non-refundable fee for processing each request for a certificate of compliance.

In addition, it is proposed that a fee be charged for each copy of a certificate of compliance sent to the client by facsimile.

The alternative is to maintain the status quo, which is not acceptable given current fiscal pressures and the Government's policy on cost recovery. The Act already allows insiders, usually corporations on behalf of insiders, to apply for an exemption but the Government does not currently recover any cost for this service. The addition of prescribed fees will result in an additional cost for corporations or their insiders. However, the fee is outweighed by the time and expense these parties save by being exempted from filing insider reports. Provincial securities legislation that provides this type of exemption currently has filing fees. This amendment to the fee for issuing a certificate of compliance will significantly reduce the number of refunds processed.

The Department will consult lawyers, industry associations and other interested parties.

Those applicants not paying the fee will not have their applications examined.

This initiative includes the previous initiative, CCAC-13, that was included in the 1993 *Federal Regulatory Plan*.

Legal authority: *Canada Business Corporations Act*, subsections 127(8) and 261(1)(b); paragraphs 261(1)(b) and 263(2); *Canada Business Corporations Regulations*, subsection 2(i), Schedule II. A subsection to Schedule II of the *Canada Business Corporations Regulations* must be added.

Contact: Guylaine Huot, Senior Compliance Officer, Compliance Branch, Corporations Directorate, Industry Canada, Journal Tower South, 9th Floor, 365 Laurier Avenue West, Ottawa, Ontario, K1A 0C8. Tel.: (613) 941-5728; Fax: (613) 941-5781; Internet: huot.guylaine@ic.gc.ca

IC/96-10-L

Canada Business Corporations Act - Electronic Filing

Following amendments to the *Canada Business Corporations Act* (CBCA), which received Royal Assent on June 23, 1994, it is proposed to make substantive consequential amendments to the Regulations concerning electronic filing of documents that are presently filed in hard copy.

This will enable clients to register more quickly and will permit more efficient access to the records of the Directorate through electronic means.

There will be no additional costs to clients, as traditional methods of filing will still be available.

No alternative to regulation is available because subsections 258(a) and 262(1) of the Act require regulations to implement electronic filing. In addition, these CBCA sections will only come into force once the necessary regulations have been proclaimed.

Consultation is currently taking place in the form of a pilot project being conducted with client participation.

We are in the preliminary stages of developing the regulations.

Legal authority: *Canada Business Corporations Act*, subsections 258(1) (not in force yet), 261(1)(c) and (c.1)

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IC/96-11-L

Canada Business Corporations Act - Exemption from Filing

Following amendments to the *Canada Business Corporations Act* (CBCA), which received Royal Assent on June 23, 1994, it is proposed to make substantive consequential amendments to the Regulations. These amendments will relieve parties of the need to send specified notices or documents to the director that contain information similar to that contained in notices or documents required to be made public under other federal or provincial laws.

No alternative to regulation is available because subsections 258(1) and 262(1) of the Act require prescribed regulations. In addition, these CBCA sections will only come into force once the necessary regulations have been proclaimed.

The Department will consult lawyers, industry associations and other interested parties. We are in the preliminary stages of developing the regulations.

Legal authority: *Canada Business Corporations Act*, subsections 258(2) (not in force yet), 261(1)(c) and (c.1)

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IC/96-12-L

Canada Business Corporations Act - Constrained Shares

It is proposed to amend subsection 57(2) of the *Canada Business Corporations Regulations* to add the *Radiocommunication Act* and any regulations made thereunder to the list of laws of Canada or a province prescribed in this subsection. This amendment will enable distributing corporations in radiocommunications incorporated under the *Canada Business Corporations Act* (CBCA) to constrain the transfer of their shares to attain or maintain a specified level of Canadian ownership or control, with a view to qualifying for radio authorization under the *Radiocommunication Act* or its regulations.

A benefit of this regulatory amendment would be increased competition within the Canadian

radiocommunication industry. The costs would be borne by incumbents who are already in the industry, and by non-Canadian investors whose shares could only be transferred to Canadian investors under this amendment or whose shares may be purchased by the corporation to enable the corporation to attain Canadian ownership levels.

An alternative is to introduce regulations under the radiocommunication legislation that would provide for constrained shares, similar to regulations recently enacted under the *Telecommunications Act*. The *Radiocommunication Act* presently has no regulations concerning constrained shares. Given the existence of section 57 of the Canada Business Corporations Regulations (CBCR), it is more efficient to amend section 57 of the CBCR.

The Department will consult lawyers, industry associations and other interested parties.

Legal authority: *Canada Business Corporations Act*, sections 174, 261(1)(a); Canada Business Corporations Regulations, section 57

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IC/96-13-L

Canada Business Corporations Act - Insider Trading, Proxy and Proxy Solicitation, Financial Disclosure and Take-Over Bids

It is proposed to amend parts III, IV, V and VIII of the Canada Business Corporations Regulations, which concern insider trading, proxies and proxy solicitation, financial disclosure and take-over bids respectively.

There will be more than 60 proposed amendments. Most are technical in nature and non-controversial.

The proposed amendments will principally eliminate unduly burdensome requirements, harmonize the Regulations with applicable concurrent provincial securities legislation, and generally improve the level of disclosure required in these areas. It is proposed to eliminate items of disclosure that are not in provincial regulations and that do not appear to be of material interest to shareholders. It is also proposed to adopt more consistent wording, where warranted, as well as to require additional items of disclosure of material

interest that are currently in provincial legislation but missing in the Regulations. Furthermore, special consideration has been given to ensuring that certain disclosure items do not extend to private companies when they are of material interest only to shareholders of a public company.

Because of these regulatory amendments, some CBCA corporations may need to amend their disclosure procedures to comply with the modified requirements. However, most affected corporations already prepare the information that will be requested for at least one other regulator. Most costs will be minimized through harmonization.

These revisions to the Regulations do not imply any additional enforcement costs.

The status quo is not satisfactory because complying with differing regulations is costly for the corporations and does not provide commensurate benefits for investors in CBCA corporations. The status quo is also not acceptable when it requires disclosure of information that is no longer useful or of material interest to shareholders.

The Department will consult lawyers, industry associations and other interested parties.

Legal authority: *Canada Business Corporations Act*, sections 127, 149, 150(1), 155, 194, 198, 200, 201, 206, 261; Canada Business Corporations Regulations, sections 29, 47, 58 to 73

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IC/96-14-L

Canada Business Corporations Act - Miscellaneous Regulatory Amendment

At the next departmental miscellaneous regulatory amendment submission, the Directorate proposes to submit the following amendments: Item 3 ("Occupation box") on Form 3 will be removed; Form 6 will be amended with regard to change of director; and Form 24 will be amended to comply with the uniform form approved by the Canadian Securities Administrators in April 1995. A question as to whether a unanimous shareholder agreement was made will be added to Form 22. It is also proposed to include a provision for insertion of a mailing address if other than the registered office. Schedule II will

need to be amended to reflect the \$200 fee for the new Certificate of Arrangement rather than the previous \$200 fee for a Certificate of Amendment on the filing of Articles of Arrangement. Amendments of a housekeeping nature will also be needed with regard to electronic filing of documents that are presently filed in hard copy. To reflect the concerns of the Standing Joint Committee for the Scrutiny of Regulations, the French subsections 35(t) and 35(v)(ii) and Schedule III will be amended. Sections 36, 41(2) and 76 will be re-enacted.

Legal authority: *Canada Business Corporations Act*, section 261

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Legal Metrology Branch

CCAC/89-206-L

Electricity and Gas Inspection Regulations

A review of the Electricity and Gas Inspection Regulations has identified several anomalies, technical inconsistencies, minor differences in meaning between the English and French versions, and a number of procedural requirements that need to be amended to facilitate effective and efficient implementation of the legislation. This proposal will correct the deficiencies identified.

Amendments to correct the technical inconsistencies and change procedural requirements in general should not result in any adverse impact on or cost to the government or industry. Moreover, the changes proposed to procedural requirements will enable the department to reduce its program implementation costs.

Specific amendments to recertification intervals for electricity and gas measurement apparatus (certified meter testing equipment) will decrease recertification costs for the electricity industry and increase recertification costs for the gas industry. As the electricity and gas industry generally recovers the recertification costs through energy rates, the amendments will provide a more equitable treatment of utility customers in both industries.

The electricity and gas industry associations have been advised of the above changes. Electricity and gas

consumers will be consulted via the Consumers' Association of Canada.

Legal authority: *Electricity and Gas Inspection Act*, section 28

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IC/94-27-I

Weights and Measures Regulations - Diamonds and Gemstones

The *Weights and Measures Act* requires that commodities that are sold on the basis of measurement be measured accurate within limits of error prescribed by the Weights and Measures Regulations. The Regulations do not prescribe limits of error for the measurement of diamonds and gemstones nor for the devices used to weigh or measure these commodities. This is not the case for precious metals such as gold and silver.

The proposed amendments to the Regulations will establish minimum standards for the measurement of diamonds, gemstones and other commodities of comparable value.

In collaboration with the Jewellers Vigilance Association of Canada, the Legal Metrology Branch is working to identify current industry practices and to establish minimum standards for the measurement of these types of commodities. Further consultation with clients directly affected by proposed amendments to the Regulations is planned.

The cost of implementation will be minimal. The only other alternative considered was the status quo; however, this would be detrimental to the fair weighing of diamonds and gemstones in trade. Consumers will benefit from the establishment of minimum standards of accuracy when purchasing diamonds and gemstones. Businesses will benefit as these standards will provide a "level playing field" in a competitive marketplace.

Compliance with these regulations may be attained through established compliance mechanisms that include complaint response; inspection of a device before trade use commences and periodically thereafter to ensure that the device measures accurately and is not used in a fraudulent manner; periodic inspection of commodities weighed or

measured by the device; and increasingly severe enforcement action to achieve compliance, including formal notification, device seizure and detention, and prosecution if necessary and where justified.

Legal authority: *Weights and Measures Act*

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IC/95-31-L

Weights and Measures Regulations - Minor and Technical Amendments

Amendments to the *Weights and Measures Regulations* are necessary to revoke or revise outdated regulations, acknowledge current administrative practices, recognize advances in device technology and measurement methodologies, address industry concerns and reduce barriers to trade.

These amendments are minor in nature and their impact will be negligible. They will, however, facilitate the overall administration of the Regulations and ensure the maintenance of measurement standards and equity in trade based on measurement. Business and industry will benefit from improved standards that revoke outdated requirements, promote innovative measurement methodologies, and remove technical barriers and impediments to the introduction of new technology.

No consultation other than pre-publication in the *Canada Gazette*, Part I is planned.

These amendments can be adequately enforced by the use of present compliance mechanisms.

Legal authority: *Weights and Measures Act*

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IC/95-32-L

Weights and Measures Regulations - Harmonization of Technical Standards

As part of the essential work necessitated by the Free Trade Agreement, the governments of Canada and the U.S. have agreed to eliminate technical trade barriers.

Proposed revised technical standards will establish more uniform requirements for weighing devices based on international standards. Requirements will be less prescriptive (performance, rather than design standards) and will reduce barriers that inhibit Canadian competitiveness with our major trading partners.

The introduction of these revised technical standards will require the revision and revocation of certain *Weights and Measures Regulations*. The cost of implementing amendments to the Regulations will be minimal.

Affected parties will be contacted as part of the consultation for the Specifications for Non-Automatic Weighing Devices and during pre-publication of the proposed amendments in the *Canada Gazette*, Part I.

These amendments will have no impact on compliance mechanisms.

Legal authority: *Weights and Measures Act*

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IC/95-34-L

Weights and Measures Regulations - Automatic Temperature Compensation of Petroleum Products

The *Weights and Measures Act* and Regulations provide standards of measurement accuracy for liquid meters used in commercial transactions where measurement forms the basis of the transaction. Automatic temperature compensators (ATCs) compensate for the volume of product lost or gained when product is measured at any temperature other than 15°C.

Proposed amendments to the Regulations will require that dealers sell petroleum products either compensated or uncompensated throughout the year.

Major marketers of petroleum products have been advised of the Legal Metrology Branch's intent to amend the Regulations, and preliminary consultation has begun. Consultation with affected parties will continue throughout the development of these amendments.

Cost of implementation is minimal. Consumers will benefit from the assurance that ATCs are used in a fair and consistent manner. Businesses will benefit from the establishment of a "level playing field" in a competitive marketplace.

The alternative to amending the Regulations is to maintain the status quo. However, this is undesirable as it will result in continued and increasingly unfair measurement practices.

These amendments can be adequately enforced using existing compliance mechanisms.

Legal authority: *Weights and Measures Act*

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IC/95-35-I

Weights and Measures Regulations - Specifications for Non-Automatic Weighing Devices

As part of the essential work necessitated by the Free Trade Agreement, the governments of Canada and the U.S. have agreed to eliminate technical trade barriers.

The proposed introduction of revised technical standards will establish more uniform requirements for weighing devices based on international standards and those of the United States. There will be some cost associated with implementing these requirements. However, device manufacturers, dealers, importers and users will benefit from less prescriptive requirements and from a reduction in the barriers that inhibit Canadian competitiveness with our major trading partners. Consumers will benefit from "state-of-the-art" measurement technology and the assurance that an acceptable level of measurement accuracy will be maintained.

The specifications were developed in conjunction with the U.S. National Institute of Standards and Technology (NIST) and the U.S. National Conference on Weights and Measures. Three meetings have been

held with Canadian device manufacturers, importers and users of weighing devices to discuss the scope and focus of the initiative in general and the proposed specifications in particular. Extensive consultation with affected parties will continue.

The specifications can be adequately enforced using existing compliance mechanisms that include device type evaluation and approval; inspection of devices before trade use commences, and periodically thereafter, to ensure that devices measure accurately and are not used fraudulently; and increasingly severe enforcement action to achieve compliance, including formal notification, device seizure and detention, and prosecution if necessary and where justified.

Legal authority: *Weights and Measures Regulations*, sections 13 and 27

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IC/95-36-I

Weights and Measures Regulations - Specifications for Metrological Audit Trails

The *Weights and Measures Act* and Regulations require that provision be made so that physical seals may be attached to a weighing or measuring device to ensure that no alteration, adjustment or repair can be made without breaking the seal. In recent years, device manufacturers and users have requested alternatives to a physical seal as a means of securing a device against unauthorized adjustments or fraudulent use. The proposed Specifications for Metrological Audit Trails will provide alternatives to a physical seal.

The specifications were developed in collaboration with the U.S. National Institute of Standards and Technology (NIST) and the U.S. National Conference on Weights and Measures with the aim of establishing uniform standards. In the U.S., consultation with device manufacturers and industry associations is complete. Consultation with Canadian device manufacturers and industry associations was conducted throughout 1994.

The cost of implementation is minimal. Many device manufacturers are already incorporating this technology, either as a marketing feature or to satisfy requirements in other metrological jurisdictions. Device manufacturers and owners will benefit from

the establishment of alternative sealing requirements for devices. Consumers will benefit from "state-of-the-art" measurement technology and the assurance that an acceptable level of measurement accuracy will be maintained.

The specifications do not require a departure from established compliance mechanisms.

Legal authority: Weights and Measures Regulations, section 13

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IC/95-37-I

Weights and Measures Regulations - Specifications for Mass Flow Meters

The *Weights and Measures Act* and Regulations provide standards for maintaining measurement accuracy of meters used in commercial transactions where measurement forms the basis of the transaction.

The introduction of these specifications will recognize advances in device technology and measurement methodologies. Proposed requirements were developed in collaboration with the U.S. National Institute of Standards and Technology (NIST) and the U.S. National Conference on Weights and Measures. They aim to maintain measurement standards and equity in trade based on measurement and to minimize the probability of fraudulent use.

The number of mass flow meter manufacturers is relatively small. There are no known Canadian manufacturers of these devices. Affected parties will be consulted extensively and, if necessary, focus groups will be held to explain the purpose of, and rationale for, these specifications.

There will be some costs associated with implementing these specifications. However, device manufacturers and owners will benefit from the establishment of standardized requirements for mass flow meters written in accordance with internationally established standards. Consumers will benefit from "state-of-the-art" measurement technology and the assurance that an acceptable level of measurement accuracy will be maintained.

The specifications can be adequately enforced using existing compliance mechanisms that include device

type evaluation and approval; inspection of devices before trade use commences, and periodically thereafter, to ensure that they measure accurately and are not used fraudulently; and increasingly severe enforcement action to achieve compliance, including formal notification, device seizure and detention, and prosecution if necessary and where justified.

Legal authority: Weights and Measures Regulations, sections 13 and 27

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IC/96-15-I

Weights and Measures Regulations - Load Cell Standards

The Legal Metrology Branch of Industry Canada is responsible for promoting equity among businesses in transactions involving measurement. One of the means used to fulfil this mandate is the verification and approval of commercial weighing and measuring instruments in light of recognized technical standards.

Small-capacity units are assessed and tested fully for approval by the Legal Metrology Branch to ensure that they meet all Canadian standards, unlike medium- and large-capacity weighing units which, because of their size, can be tested only partially onsite once they have been installed. The alternative is to verify and test completely, in the laboratory, the main components of these instruments, among them the load cells, and to approve them separately. Other industrialized countries use this method.

Adopting standards for load cells will allow the Legal Metrology Branch to further harmonize Canadian requirements and procedures for weights and measures with international ones, particularly those of the United States, and will make it possible to set up a more extensive testing and assessment program for medium- and large-capacity units.

These technical standards will be developed in cooperation with Canadian manufacturers of load cells and weighing devices, the various associations of weighing device users and other stakeholders. Certain costs will be involved in adopting standards and setting up a program to test load cells. However, by approving load cells in accordance with recognized standards, the Legal Metrology Branch will help to

create a more equitable and more competitive business environment for all manufacturers. Approval of load cells should also enable Canadian manufacturers to become more competitive and to gain easier access to international markets, particularly the United States. The standards will also benefit the users of weighing units and the Canadian public at large, since units with tested cells will be more accurate and more reliable.

The standards will be applied using existing compliance mechanisms, which include, among other things, having the units approved and inspected before they are used.

Legal authority: Weights and Measures Regulations, sections 13 and 27

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Lobbyists Registration Branch

IC/95-39-L

Lobbyists Registration - Information Disclosure and Electronic Filing Provisions

The *Lobbyists Registration Act* requires individuals who are paid to lobby federal public office holders to register. The Act requires that the forms necessary to register, and the manner in which these forms must be submitted, be prescribed in regulation.

On June 15, 1995, an *Act to Amend the Lobbyists Registration Act* received Royal Assent. This act provides for increased transparency by requiring lobbyists to disclose more specific information on their activities. As well, the Act provides for lobbyists to file their returns electronically. Regulations will be proposed to clarify new information requirements as well as the manner in which lobbyists must submit these registrations.

The proposed regulations will make lobbying activity more transparent. Electronic filing will facilitate faster access to registry information and reduce paper burdens.

Consultations on the draft regulations will take place with consulting firms, companies and trade associations, as well as with other interested parties. There will also be a pilot test of the electronic filing system. Information will be provided to all registered

lobbyists to inform them of their new obligations under the amended legislation and regulations.

The onus of complying with the Act rests on individual lobbyists. The Act provides for severe penalties for not registering or for filing misleading or false information.

Legal authority: *Lobbyists Registration Act*, R.S.C. 1985, chapter 44 (4th suppl.) as amended by S.C. 1995, chapter 12

Contact: Corinne MacLaurin, Director, Lobbyists Registration Branch, Industry Canada, Ottawa, Ontario, K1A 0C9. Tel.: (613) 957-2760; Fax: (613) 957-3078.

Bureau of Competition Policy

IC/96-16-L

Cost Recovery Initiative

The Bureau of Competition Policy proposes to begin recovering costs for the following items:

- prenotification filings under section 114 of the *Competition Act*;
- advance ruling certificates under section 102 of the Act;
- photocopies of documents seized in the course of an investigation under the Act;
- reproduction of transcripts, where possible, resulting from an investigation under the Act; and
- advisory opinion requests made in writing to the Director under the Program of Compliance.

Recovering costs for these items will improve management and promote fairness by shifting the costs of such services to those who benefit directly from them.

These are new fees and represent added costs to those persons affected by the Act; however, the fees will be structured so as to recover only the costs of the services.

The alternative is to maintain the status quo of not charging for Bureau services. However, this is unacceptable given current fiscal pressures and the Government's policy on cost recovery.

The Department will consult, by way of a discussion paper, with those persons affected by this proposal. These fees will generate approximately \$2.3 million annually.

Legal authority: *Department of Industry Act*, sections 18, 19 and 20

Contact: John K. Barker, Director, Compliance and Coordination Directorate, Bureau of Competition Policy, Industry Canada, Place du Portage, Phase I, 50 Victoria Street, Hull, Quebec, K1A 0C9.
Tel.: (819) 997-3763; Fax: (819) 953-5013.

Future initiatives

Intellectual Property - Fee Changes

As a special operating agency, the Canadian Intellectual Property Office has been provided with a flexible financial management arrangement in the form of a revolving fund. Over the next five years, the Canadian Intellectual Property Office may need to revise existing fee structures to ensure that:

- the financing of activities that provide benefits to specific users is met by those who benefit;
- the obligation to operate the revolving fund on a break-even basis is respected; and
- any costs associated with providing improved service to clients are recovered.

The Canadian Intellectual Property Office is responsible for the fees found within the *Copyright Act*, *Industrial Design Act*, *Integrated Circuit Topography Act*, *Patent Act* and *Trade-marks Act*.

The major groups representing the Canadian Intellectual Property Office's clients will be fully consulted throughout any fee change initiative.

There is no alternative as the statute specifies that fees must be established in regulations.

Classification: Intermediate-cost initiative

Contact: Brenda Snarr, Director, Finance and Administration, Canadian Intellectual Property Office, Industry Canada, Place du Portage, Phase I, 15th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9.
Tel.: (819) 997-3024; Fax: (819) 997-1890;
Internet: snarr.brenda@ic.gc.ca

Canada Business Corporations Act - Insider Trading

The Ontario Securities Commission (OSC) has proposed refinements to its early warning and insider reporting regimes. To avoid a situation where insiders may be subject to divergent disclosure requirements under the *Securities Act* (Ontario) and the *Canada Business Corporations Act* (CBCA), the Directorate may propose to amend Part III of the *Canada Business Corporations Regulations* dealing with insider trading

reporting. This amendment will be entirely dependent on whether and how the OSC elects to proceed.

Classification: Low-cost initiative

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Interference-Causing Equipment Standards

Electrical equipment of all kinds emits radio noise that can pollute the electromagnetic environment and interfere with radio reception. To continue to protect radio users from interference, Industry Canada intends to prepare updated and new standards for the technical requirements to be followed when manufacturing, importing, selling or using interference-causing equipment.

Alternatives under review are the use of voluntary standards, incorporation by reference of standards established outside the department, or the use of standards established by the Minister. Criteria used in determining the need for and timing of such standards will be based upon the adoption and expansion of new electronic technology, the rate of implementation of new and expanded radio services, and the compatibility of those services in an increasingly congested electromagnetic environment. This initiative is ongoing.

Costs are not expected to be substantial.

The Department will consult mainly with the Radio Advisory Board of Canada, which represents the Canadian radiocommunications industry. Other stakeholders will be made aware of proposals for new or revised standards through notices in the *Canada Gazette*. The mechanism for implementing mandatory standards will be, in accordance with the *Interference-Causing Equipment Regulations*, to include them in the *Interference-Causing Equipment List*, published in the *Canada Gazette*.

Classification: Low-cost initiative

Contact: Garth Roberts, Director, EMC Analysis and Consultation, Spectrum Engineering Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8.
Tel.: (613) 990-4716; Fax: (613) 952-5108.

Radio Standards Specifications

Radio apparatus, technology and systems continue to evolve rapidly. To ensure continuing access to modern, effective means of radiocommunications by Canadian citizens and industry, Industry Canada intends to prepare updated and new standards for the technical requirements to be followed when manufacturing, importing, selling or using radio apparatus.

Alternatives under review are the use of voluntary standards, incorporation by reference of standards established outside the department, or the use of standards established by the Minister. Criteria used in determining the need for and timing of such standards will be based upon the evolution of radiocommunication technology, the rate of implementation of new and expanded radio services, and the requirements to ensure the compatibility of those services in an increasingly congested electromagnetic environment. This initiative is ongoing.

The Department will consult mainly with the Radio Advisory Board of Canada, which represents the Canadian radiocommunications industry. Other stakeholders will be made aware of proposals for new or revised standards through notices in the *Canada Gazette*.

Classification: Low-cost initiative

Contact: Veena Rawat, Director, Spectrum Engineering, Spectrum Engineering Branch, Industry Canada, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel.: (613) 990-4687; Fax: (613) 952-5108.

Weights and Measures Regulations - Specifications for Electromagnetic Compatibility

The *Weights and Measures Act* and Regulations provide standards for maintaining measurement accuracy of meters used in trade where measurement forms the basis of the transaction. It has been observed that most electronics-based measuring devices are in some way susceptible to electromagnetic interference.

The Department is considering establishing specifications for the performance of measuring devices when these devices are exposed to electromagnetic fields during use.

The scope, direction and associated costs of this initiative have not yet been fully determined. Before proceeding with this initiative, the Legal Metrology

Branch will consult with the industry to establish the initiative's feasibility.

Classification: Intermediate-cost initiative

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Content

Initiatives for 1996

<i>Access to Information Act and Privacy Act - Extending Coverage</i>	143
<i>Access to Information Regulations and Privacy Regulations - Amendments to Schedules</i>	143
<i>Act Respecting Firearms and Other Weapons, Criminal Code, Part III - Regulations</i>	146
<i>Approved Breath Analysis Instruments Order, Approved Screening Devices Order, Approved Blood Sample Container Order</i>	146
<i>Contraventions Act - Ticketing Scheme</i>	145
<i>Divorce Act - Child Support Guidelines</i>	147
<i>Forms for Interception</i>	145
<i>Forms for Tracing</i>	145
<i>Garnishment, Attachment and Pension Diversion Act, Part II</i>	146
<i>Garnishment and Attachment Regulations</i>	146
<i>Information Banks</i>	145
<i>Notice of Service of Garnishment</i>	145
<i>"Safety Zone" Around Marine Installations - Regulations</i>	143
<i>Seized Property Management Act - Regulations</i>	144
<i>Statutory Instruments Regulations</i>	144
Future initiative	
<i>Access to Information Act and Privacy Act - Amendment</i>	147

General information

Roles and responsibilities

Justice Canada was established by an Act of Parliament in 1868. Its roles and responsibilities reflect the fact that under the *Department of Justice Act*, the Minister of Justice is also the Attorney General of Canada.

The Attorney General of Canada advises the government "on all matters of law." Consequently, Justice Canada provides legal services to all government departments, including the provision of legal advice, the preparation of legal documents and the drafting of legislation. Some specialized legal services are provided by other organizations such as the Legal Affairs Bureau of Foreign Affairs and International Trade Canada, the Judge Advocate General of the Department of National Defence and the Bureau of Pensions Advocates under the Minister of Veterans Affairs.

The Attorney General of Canada is responsible for litigation involving government departments, departmental corporations and Crown corporations that are agents of Her Majesty in right of Canada.

The Minister of Justice is the official legal advisor of the Governor General and the legal member of the Queen's Privy Council for Canada, and must see that the administration of public affairs is in accordance with the law. On behalf of the Minister, the Department examines all bills introduced by ministers in the House of Commons to ascertain whether their provisions are consistent with the Canadian Bill of Rights or the Canadian Charter of Rights and Freedoms. The Legislative Branch Services examines most proposed regulations under the *Statutory Instruments Act* according to criteria set out in that act.

The Minister of Justice superintends all matters connected with the administration of justice in Canada that are within federal jurisdiction and is also responsible for carrying out other duties assigned by the Governor in Council. Accordingly, Justice Canada plans, develops and implements government policies in such areas as criminal law, family law, extradition, access to information, and privacy and human rights.

Legislative mandate

The Minister of Justice is responsible for all or part of the following legislation:

- *Access to Information Act*
- *Annulment of Marriages (Ontario) Act*
- *Bills of Lading Act*
- *Canada Evidence Act*
- *Canada Prize Act*
- *Canada - United Kingdom Civil and Commercial Judgments Convention Act*

- Canadian Bill of Rights
- Canadian Human Rights Act
- Canadian Laws Offshore Application Act
- Commercial Arbitration Act
- Criminal Code
- Crown Liability and Proceedings Act
- Department of Justice Act
- Divorce Act
- Escheats Act
- Extradition Act
- Family Orders and Agreements Enforcement Assistance Act
- Federal Court Act
- Foreign Enlistment Act
- Foreign Extraterritorial Measures Act
- Fugitive Offenders Act
- Garnishment, Attachment and Pension Diversion Act
- Identification of Criminals Act
- International Sale of Goods Contracts Convention Act
- Interpretation Act
- Judges Act
- Marriage Act (Prohibited degrees)
- Mutual Legal Assistance in Criminal Matters Act
- Narcotic Control Act
- Official Languages Act
- Official Secrets Act
- Postal Services Interruption Relief Act
- Privacy Act
- Revised Statutes of Canada, 1985 Act
- Security Offences Act
- State Immunity Act
- Statute Revision Act
- Statutory Instruments Act
- Supreme Court Act
- Tax Court of Canada Act
- Tobacco Restraint Act
- United Nations Foreign Arbitral Awards Convention Act
- Young Offenders Act

Initiatives for 1996

Jus/R-1-L

Access to Information Act and Privacy Act - Extending Coverage

The coverage of either the *Access to Information Act* or the *Privacy Act*, or of both acts, could be extended to bodies not yet subject to these acts. Newly created government institutions could also be brought under either or both acts. Extending the coverage of the *Access to Information Act* would enhance openness and accountability because the information held by the

entities brought under the Act would be subject to the right of access that the Act confers. Extending the *Privacy Act* would enhance the privacy of individuals because it would extend the provisions of the Act concerning the collection, retention, use, disclosure and disposal of personal information to the entities brought under the Act. It would also permit individuals to exercise the right of access conferred by the Act with respect to personal information about them held by the entities and to request that this information be corrected. The anticipated impact of this initiative is low.

Legal authority: *Access to Information Act*, section 3; *Privacy Act*, section 3

Contact: Christine Hudon, Counsel, Information Law and Privacy Section, Public Law Sector, Justice Canada, 222 Queen Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4623; Fax: (613) 941-2002.

Jus/R-3-L

Access to Information Regulations and Privacy Regulations - Amendments to Schedules

The schedules to the Access to Information Regulations and the Privacy Regulations identify specific bodies, investigative bodies and classes of investigations for disclosure and exemption purposes under the *Access to Information Act* and the *Privacy Act*. These schedules may require amendment to reflect a new addition or a change in title. The anticipated impact of this initiative is minor.

Legal authority: *Privacy Act*, paragraph 8(2)(e), sections 22 and 23; *Access to Information Act*, section 16

Contact: Christine Hudon, Counsel, Information Law and Privacy Section, Public Law Sector, Justice Canada, 222 Queen Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4623; Fax: (613) 941-2002.

Jus/93-7-L

“Safety Zone” Around Marine Installations - Regulations

Paragraph 5(2)(b) of the *Canadian Laws Offshore Application Act* allows the Governor in Council to make regulations determining, or prescribing the method of determining, a safety zone surrounding any marine installation or structure or artificial island. Federal (and, when in force, provincial or territorial) laws will thus be extended to the safety zones as well as to the installations themselves.

Legal authority: *Canadian Laws Offshore Application Act*, paragraph 5(2)(b)

Contact: Thomas-Louis Fortin, Constitutional and International Law Section, Public Law Sector, Justice Canada, Room 610, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4957; Fax: (613) 941-1971.

Jus/R-5-L

Statutory Instruments Regulations

In previous years, various departments have requested amendments to these regulations to provide for the publication of certain statutory instruments and other documents in the *Canada Gazette*, and to provide for the exemption of certain regulations or classes of regulations from the provisions of the *Statutory Instruments Act* relating to the examination, registration, publication, inspection or procurement of copies of regulations or other statutory instruments. These regulations could well be amended as a result of such requests.

A class of regulations may be exempted from examination, registration and publication where the registration is not practical due to the number of regulations of that class. Regulations or a class of regulations may be exempted from publication: if the limited number of people affected or likely to be affected have been given notice; or where the publication could reasonably be expected to be injurious to the conduct of federal-provincial or international affairs, to Canada's allies or associates, to the defence of Canada or to the detection, prevention or suppression of subversive or hostile activities.

The inspection and copy requirement for certain regulations, classes of regulations, specific statutory instruments or classes of statutory instruments may be precluded where these regulations or instruments have been exempted from publication because they relate to international affairs, defence, or subversive or hostile activities. In addition, certain statutory instruments or classes of statutory instruments, other than a regulation, may be precluded where the inspection or making of copies would result in injustice or undue hardship to persons or bodies or in serious and unwarranted detriment to such persons or bodies in the conduct of their affairs.

Editorial changes that follow from the 1985 Statute revision and from recent government reorganizations are also being considered.

In April 1995, the Minister of Justice introduced Bill C 84, the *Regulations Act*. It would replace the *Statutory Instruments Act* and create, among other things, a range of new or revised enabling provisions under which regulations governing the regulatory process could be established. These include revised grounds for exemption from the regulatory process, and the establishment of an electronic system for consultation, registration and publication. (see proposed sections 5 and 26.)

The *Regulations Act* is expected to proceed through the House of Commons when the House resumes sitting in the fall of 1995.

Legal authority: *Statutory Instruments Act*, section 20

Contact: Alain Prévost, Senior Counsel, Privy Council Office Section, Legislative Services Branch, Justice Canada, Room 624, 222 Queen Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-0094; Fax: (613) 941-2322.

Jus/94-5-I

Seized Property Management Act - Regulations

The *Seized Property Management Act* was given Royal Assent on June 23, 1993. Regulations are required to provide for the management of property that is the subject of a seizure, restraint or management order in proceeds of crime and other cases initiated by the Attorney General of Canada. Regulations are also required to provide for the management and disposal of property obtained as a result of forfeitures in cases initiated by the Attorney General of Canada.

Regulations are also required to prescribe the operations of the accounts established in the Act and to provide a form to report the change in location of seized property. Finally, regulations are needed to establish a process to share the proceeds of crime that are forfeited to Her Majesty the Queen in right of Canada with jurisdictions whose law enforcement agencies provided assistance in the investigation that led to the forfeiture. The sharing regulations will provide for the payment of moneys out of the proceeds account established by the Act.

Legal authority: *Seized Property Management Act*, sections 10 and 11

Contact: Daniel P. Murphy, Senior Counsel, Office of the National Strategy for Drug Prosecutions, Criminal Law Branch, Litigation Sector, Justice Canada,

4th Floor, 239 Wellington Street, Ottawa, Ontario,
K1A 0H8. Tel.: (613) 952-5034; Fax: (613) 957-8412.

Jus/93-6-I

Contraventions Act - Ticketing Scheme

The *Contraventions Act*, S.C. 1992, chapter 47, which establishes a ticketing scheme for minor federal offences, received Royal Assent in October 1992. The Act will come into force on a date to be fixed by Order of the Governor in Council. A regulation in the form of a schedule of offences will designate federal offences as contraventions and establish short-form wordings and set fines for these offences.

Other regulations will prescribe the cost to be awarded in proceedings, ticket forms and other forms for use in administering the Act.

These regulations will establish the working tools for the ticketing scheme.

Legal authority: *Contraventions Act*, S.C. 1992, chapter 47, sections 8, 86

Contact: Louise Bégin, Legal Counsel, Contraventions Act Project, Corporate Management, Civil Law and Corporate Management Sector, Justice Canada, West Memorial Building, Room 2168, 344 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 998-6717; Fax: (613) 998-1175.

Jus/92-14-L

Information Banks

The purpose of this regulatory initiative is to change the description of the information banks listed in section 3 of the existing regulations under the *Family Orders and Agreements Enforcement Assistance Act* to reflect the current description of the databanks at Human Resources Development Canada. These regulations will not add or delete information banks.

Legal authority: *Family Orders and Agreements Enforcement Assistance Act*, section 22

Contact: Ken Duford, Manager, Family Law Assistance Systems Section, Corporate Management Policy and Programs Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

Jus/92-15-L

Forms for Interception

This regulatory initiative is intended to revise the application form in Schedule I (section 5) of the

existing regulations to ensure compatibility with the automated systems used by the provincial and territorial authorities and to reflect proposed legislation amendments to the *Family Orders and Agreements Enforcement Assistance Act*.

The changes are minor in nature and the application form will continue to reflect the requirements of Part II of the *Family Orders and Agreements Enforcement Assistance Act*.

Legal authority: *Family Orders and Agreements Enforcement Assistance Act*, section 61

Contact: Ken Duford, Manager, Family Law Assistance Systems Section, Civil Law and Corporate Management Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

Jus/93-12-L

Notice of Service of Garnishment

This regulatory initiative will clarify section 45 of the *Family Orders and Agreements Enforcement Assistance Act*, which provides that a notice should be sent to debtors where garnishable moneys are or will be paid out. This is a consequential amendment to section 9 of the regulations to provide notice to debtors of the receipt of an application for garnishment and to specify a period of 20 days within which the notice must be sent. Currently the Minister of Justice has 20 days after the date of service of the application to respond to a garnishment summons.

This initiative, which is minor in nature, will also amend Schedule II of the regulations to clarify the form letter for the debtor as a result of the consequential amendment to section 9.

Legal authority: *Family Orders and Agreements Enforcement Assistance Act*, section 61

Contact: Ken Duford, Manager, Family Law Assistance Systems Section, Civil Law and Corporate Management Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7. Tel.: (613) 998-5670; Fax: (613) 998-1175.

Jus/92-16-L

Forms for Tracing

This regulatory initiative is intended to revise the application form in Schedule I (section 4) of the existing Release of Information for Family Orders and Agreements Enforcement Regulations to ensure

compatibility with the automated system used by provincial and territorial authorities.

The changes are minor in nature and the application form will continue to reflect the requirements of Part I of the *Family Orders and Agreements Enforcement Assistance Act*.

Legal authority: *Family Orders and Agreements Enforcement Assistance Act*, section 22

Contact: Ken Duford, Manager, Family Law Assistance Systems Section, Civil Law and Corporate Management Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7.
Tel.: (613) 998-5670; Fax: (613) 998-1175.

Jus/R-13-L

Approved Breath Analysis Instruments Order, Approved Screening Devices Order, Approved Blood Sample Container Order

These orders are required to approve various devices and instruments designed to ascertain either the presence or the concentration of alcohol in the blood of a person, and to approve various containers designed to receive a blood sample from a person for analysis. These devices, instruments and containers must be approved by the Attorney General of Canada pursuant to the *Criminal Code* for the enforcement of the impaired driving provisions.

Approval of new devices, instruments or containers will permit their use by police forces and will increase the purchase options available to police authorities for such equipment.

Legal authority: *Criminal Code*, section 254

Contact: Catherine Kane, Counsel, Criminal Law Policy Section, Criminal and Social Policy Sector, Justice Canada, Room 716, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4690; Fax: (613) 941-4122.

Jus/94-15-L

Garnishment, Attachment and Pension Diversion Act, Part II

The schedule referred to in sections 31, 32 and 41 of the *Garnishment, Attachment and Pension Diversion Act* lists those pension benefits, and the statutes that authorize them, that are subject to diversion in order to satisfy financial support orders.

Section 14 of the schedule needs to be repealed as it refers to a pension plan that is no longer in existence

and refers to pension benefits payable pursuant to a section of the *War Veterans Allowance Act* that was revoked in 1985 by the *Veterans Appeal Board Act*.

Legal authority: *Garnishment and Attachment Pension Diversion Act*

Contact: Ken Duford, Manager, Family Law Assistance Systems Section, Civil Law and Corporate Management Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7.
Tel.: (613) 998-5670; Fax: (613) 998-1175.

Jus/94-16-L

Garnishment and Attachment Regulations

Section 4 of the *Garnishment and Attachment Regulations* lists the address in each province or territory where documents relating to garnishment proceedings against Her Majesty are to be served.

The current address indicated in the *Regulations* where documents issued by a court in Alberta are to be sent was effective only until October 30, 1993, as the Edmonton Regional Office moved on that date. The *Regulations* are being amended, therefore, to substitute the new address for the Edmonton Regional Office.

Legal authority: *Garnishment, Attachment and Pension Diversion Act*

Contact: Ken Duford, Manager, Family Law Assistance Systems Section, Civil Law and Corporate Management Sector, Justice Canada, P.O. Box 2730, Station D, Ottawa, Ontario, K1P 5W7.
Tel.: (613) 998-5670; Fax: (613) 998-1175.

Jus/94-17-L

Act Respecting Firearms and Other Weapons, Criminal Code, Part III - Regulations

Bill C-68, an *Act Respecting Firearms and Other Weapons*, was passed by the House of Commons in June 1995, and is currently before Senate. A revision of the regulations is being undertaken and consultations with the chief provincial and territorial firearms officers, other interested parties and groups are currently being conducted. The revision may include the following changes:

- consolidation of the regulations into a single unified regulation dealing with all aspects of commercial and private activity involving firearms and ammunition;

- general revision of the regulations for internal consistency of language and regulatory standards; and
- the use of user-friendly construction and terminology wherever possible to make the regulations accessible to firearm owners and businesses.

Legal authority: *Firearms Act*, section 117; *Criminal Code*, Part III

Contact: Yvan Roy, Senior General Counsel, Criminal Law Policy Section, Criminal and Social Policy Sector, Justice Canada, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4728; Fax: (613) 941-4122.

Jus/96-1-L

Divorce Act - Child Support Guidelines

The government is considering an amendment to the *Divorce Act* to require judges to determine child support by using child support guidelines.

Child support guidelines include a mathematical formula for calculating child support. The description of the formula and details respecting its application would be included in the new regulations.

Legal authority: *Divorce Act*

Contact: Murielle Brazeau, Senior Counsel, Family and Youth Law Policy Section, Justice Canada, Room 759, 239 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 941-2334; Fax: (613) 941-4122.

Future initiative

Access to Information Act and Privacy Act - Amendment

The objective of this initiative is to amend the *Access to Information Act* and the *Privacy Act* to allow for more open government.

Classification: Intermediate-cost initiative

Contact: Head, Information Law and Privacy Section, Public Law Sector, Justice Canada, 222 Queen Street, Ottawa, Ontario, K1A 0H8. Tel.: (613) 957-4624; Fax: (613) 941-2002.

National Defence

Content

Initiatives for 1996

Canadian Forces Superannuation Regulations.....	149
Canadian Forces Superannuation Regulations - Registered Retirement Savings Plans.....	150
Comox Airport Zoning Regulations.....	148
Emergency Preparedness Act - Orders in Council pursuant to paragraphs 9(c) and 9(d).....	150
Greenwood Airport Zoning Regulations	149
Moose Jaw Airport Zoning Regulations.....	148
Shearwater Airport Zoning Regulations	149
Trenton Airport Zoning Regulations.....	149

General information

Roles and responsibilities

The Minister of National Defence manages and directs the Canadian Forces and all matters relating to national defence. The Minister is responsible for the construction and maintenance of all defence establishments and works for the defence of Canada, and for research relating to the defence of Canada and to the development of and improvements to materiel.

The Minister is also responsible for Emergency Preparedness Canada (EPC). EPC's mandate is to advance civil preparedness in Canada for all types of emergencies by facilitating and coordinating, at the federal level and in cooperation with provincial and foreign governments and international organizations, the development and implementation of civil emergency plans.

Legislative mandate

The Minister of National Defence is responsible for the administration of the following acts:

- *Aeronautics Act*, with respect to any matter relating to defence
- *Army Benevolent Act*
- *Canadian Forces Superannuation Act*

- *Defence Services Pension Continuation Act*
- *Emergencies Act*
- *Emergency Preparedness Act*
- *Garnishment, Attachment and Pension Diversion Act*, with respect to members and former members of the Canadian Forces
- *National Defence Act*
- *Pension Benefits Division Act*, with respect to members and former members of the Canadian Forces
- *Visiting Forces Act*

In addition, the Department of National Defence administers, under the general direction of the Chief Electoral Officer, the Special Voting Rules (Schedule II to the *Canada Elections Act*) as they relate to Canadian Forces electors.

Initiatives for 1996

ND/91-458-I

Comox Airport Zoning Regulations

This regulatory initiative will limit the height of buildings, structures and objects, including objects of natural growth, and prohibit waste disposal sites and other land uses that might attract birds to the airport or its vicinity.

These regulations will affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport and will have no impact on society or the economy in general. Preliminary briefings with local municipal authorities and with the public will take place before the Regulations are enacted.

Legal authority: *Aeronautics Act*

Contact: Pierre Huot, Program Manager Airfield Zoning, National Defence Headquarters, 101 Colonel By Drive (9 CBN), Ottawa, Ontario, K1A 0K2.
Tel.: (613) 945-7746; Fax: (613) 992-9422.

ND/91-459-I

Moose Jaw Airport Zoning Regulations

This regulatory initiative will limit the height of buildings, structures and objects, including objects of natural growth, and prohibit waste disposal sites and

other land uses that might attract birds to the airport or its vicinity.

These regulations will affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport and will have no impact on society or the economy in general. Preliminary briefings with local municipal authorities and with the public will take place before the Regulations are enacted.

Legal authority: *Aeronautics Act*

Contact: Pierre Huot, Program Manager Airfield Zoning, National Defence Headquarters, 101 Colonel By Drive (9CBN), Ottawa, Ontario, K1A 0K2.
Tel.: (613) 945-7746; Fax: (613) 992-9422.

ND/94-4-L

Canadian Forces Superannuation Regulations

This regulatory initiative combines the Canadian Forces Superannuation Account and the Supplementary Retirement Benefits Account into a single account to be referred to as the Superannuation Account. These accounts were combined as a result of the passage of Bill C-55, which amended the *Canadian Forces Superannuation Act*.

These regulatory changes include provisions for the recovery of overpayment of supplementary benefits and include other references, where appropriate, to the Canadian Forces Superannuation Account.

Legal authority: *Canadian Forces Superannuation Act*

Contact: Clive Horne, Staff Officer, Directorate of Compensation and Benefits, National Defence Headquarters, 101 Colonel By Drive, Ottawa, Ontario, K1A 0K2. Tel.: (613) 996-3062; Fax: (613) 996-7912.

ND/96-1-I

Trenton Airport Zoning Regulations

This regulatory initiative will limit the height of buildings, structures and objects, including objects of natural growth, and prohibit waste disposal sites and other land uses that might attract birds to the airport or its vicinity.

These regulations will affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport and will have no impact on society or the economy in general. Preliminary briefings with local municipal authorities and with the

public will take place before the Regulations are enacted.

Legal authority: *Aeronautics Act*

Contact: Pierre Huot, Program Manager Airfield Zoning, National Defence Headquarters, 101 Colonel By Drive (9CBN), Ottawa, Ontario, K1A 0K2.
Tel.: (613) 945-7746; Fax: (613) 992-9422.

ND/96-2-I

Shearwater Airport Zoning Regulations

This regulatory initiative will limit the height of buildings, structures and objects, including objects of natural growth, and prohibit waste disposal sites and other land uses that might attract birds to the airport or its vicinity.

These regulations will affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport and will have no impact on society or the economy in general. Preliminary briefings with local municipal authorities and with the public will take place before the Regulations are enacted.

Legal authority: *Aeronautics Act*

Contact: Pierre Huot, Program Manager Airfield Zoning, National Defence Headquarters, 101 Colonel By Drive (9CBN), Ottawa, Ontario, K1A 0K2.
Tel.: (613) 945-7746; Fax: (613) 992-9422.

ND/96-3-I

Greenwood Airport Zoning Regulations

This regulatory initiative will limit the height of buildings, structures and objects, including objects of natural growth, and prohibit waste disposal sites and other land uses that might attract birds to the airport or its vicinity.

These regulations will affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport and will have no impact on society or the economy in general. Preliminary briefings with local municipal authorities and with the public will take place before the Regulations are enacted.

Legal authority: *Aeronautics Act*

Contact: Pierre Huot, Program Manager Airfield Zoning, National Defence Headquarters, 101 Colonel By Drive (9CBN), Ottawa, Ontario, K1A 0K2.
Tel.: (613) 945-7746; Fax: (613) 992-9422.

ND/R-1-I

Emergency Preparedness Act - Orders in Council pursuant to paragraphs 9(c) and 9(d)

These new orders will be promulgated as required for provincial emergencies when provinces request the assistance of the federal government. The *Emergency Preparedness Act* requires that an order or regulation be made to declare such an emergency to be of concern to the federal government and to authorize the provision of financial assistance. Such assistance, where authorized, will be provided in accordance with arrangements established by the Cabinet in 1970 (Disaster Financial Assistance arrangements) and will be subject to the approval of Treasury Board.

Legal authority: *Emergency Preparedness Act*

Contact: Dave Peters, Director General of Readiness and Operations, National Defence Headquarters, Jackson Building, Ottawa, Ontario, K1A 0K2.
Tel.: (613) 991-7032; Fax: (613) 996-0995.

ND/96-4-L

Canadian Forces Superannuation Regulations - Registered Retirement Savings Plans

This regulatory initiative proposes to amend certain provisions of the Regulations to ensure that the pension plan established under the *Canadian Forces Superannuation Act* and its regulations conform to the requirements of the *Income Tax Act* and its regulations concerning registered retirement savings plans.

Legal authority: *Act to Amend certain acts in relation to pensions and to enact the Special Retirement Arrangements Act and the Pension Benefits Division Act (Bill C-55); Canadian Forces Superannuation Act*

Contact: Clive Horne, Staff Officer, Directorate of Compensation and Benefits, National Defence Headquarters, 101 Colonel By Drive, Ottawa, Ontario, K1A 0K2. Tel.: (613) 996-3062; Fax: (613) 996-7912.

Natural Resources Canada

Content

Initiatives for 1996

Frontier Lands Management Division

Canada Oil and Gas Land - Amendments156

Environmental Studies Research Fund

Regions - Amendments154

Frontier Lands Division and Minimum Area153

Frontier Lands Registration - Amendments153

Mobile Offshore Drilling Unit Regulations158

Newfoundland Environmental Assessment155

Newfoundland Offshore Area Division and
Minimum Area153

Newfoundland Offshore Area Installation
Manager155

Newfoundland Offshore Area Petroleum
Drilling and Production Regulations159

Newfoundland Offshore Area Petroleum
Operations - Amendments154

Newfoundland Offshore Area Registration -
Amendments153

Newfoundland Oil and Gas Spill and Debris
Liability - Amendments155

Nova Scotia Offshore Area Division and
Minimum Area153

Nova Scotia Offshore Area Installation
Manager155

Nova Scotia Offshore Area Petroleum
Drilling and Production Regulations159

Nova Scotia Offshore Area Petroleum
Operations154

Nova Scotia Offshore Area Registration154

Petroleum Occupational Safety and Health -
Newfoundland152

Petroleum Occupational Safety and Health -
Nova Scotia152

Energy Demand Branch

EnerGuide Label156

Energy Efficiency Performance Levels -
Amendment 2156

Energy Efficiency Performance Levels -
Electric Motor Definition Amendment158

Energy Efficiency Performance Levels -
Lamp Amendment158

Explosives Branch

Explosives Regulations - Modernization157

Legal Surveys Division

Canada Lands Surveyors Regulations157

Lands Surveys Tariff157

Future initiatives

Energy Demand Branch

Energy Efficiency Performance Levels -
Various Amendments159

Explosives Branch

Explosives Regulations - Modernization -
Phase II159

General information

Roles and responsibilities

Natural Resources Canada (NRCan) is a scientific and economic department primarily concerned with Canada's landmass and with promoting sustainable development and use of Canada's energy, forest and mineral resources.

The department's priorities include: responsiveness and accountability to the Canadian public; development of client industries and enhancement of their international competitiveness; sustainable development of forest, energy, minerals and metals activities; coordination of national forest, energy, minerals and metals policy; maintenance and enhancement of environmental quality; the health and safety of those associated with the forest, energy and mineral industries; security of supply of mineral and energy commodities; Canada's sovereignty; and a reliable system of geographical reference information, remote sensing data, surveys and maps describing the Canadian landmass.

Legislative mandate

The statutes that the department manages under the jurisdiction of its minister are:

- *Appropriations Act*
- *Arctic Waters Pollution Prevention Act*
- *Atomic Energy Control Act*
- *Canada Labour Code*
- *Canada Lands Surveys Act*
- *Canada Oil and Gas Operations Act*
- *Canada Petroleum Resources Act*
- *Canada-Newfoundland Atlantic Accord Implementation Act*
- *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*
- *Canadian Exploration and Development Incentive Program Act*
- *Canadian Exploration Incentives Program Act*
- *Canadian Home Insulation Program Act*
- *Canadian Ownership and Control Determination Act*
- *Cooperative Energy Act*
- *Department of Natural Resources Act*
- *Energy Administration Act*
- *Energy Efficiency Act*
- *Energy Monitoring Act*
- *Energy Supplies Emergency Act*
- *Explosives Act*
- *Federal Real Property Act*
- *Forestry Act*
- *Hibernia Development Project Act*
- *Home Insulation (N.S. and P.E.I. Program) Act*
- *International Boundary Commission Act*
- *National Energy Board Act*
- *Nuclear Liability Act*
- *Oil Substitution and Conservation Act*
- *Petroleum Incentives Program Act*
- *Resources and Technical Surveys Act*

Initiatives for 1996

COGLA/89-121-I

Petroleum Occupational Safety and Health - Newfoundland

The *Canada-Newfoundland Atlantic Accord Implementation Act* excludes the application of Part IV of the *Canada Labour Code*. Thus it is necessary to develop a separate set of regulations for the safety and inspection of all petroleum operations in the Newfoundland offshore area, similar to the Oil and Gas Occupational Safety and Health (OSH) Regulations promulgated under Part IV of the *Canada Labour Code*.

The proposed regulations will be as similar as legislatively possible to the Oil and Gas OSH Regulations to ensure consistency in safety standards in all petroleum operations across Canada. Both the former Canadian Petroleum Association and the Independent Petroleum Association of Canada, now the Canadian Association of Petroleum Producers, were actively involved in drafting and reviewing the existing Oil and Gas OSH Regulations.

Promulgating these regulations in the Newfoundland offshore area will have no added impact on the industry.

Legal authority: *Canada-Newfoundland Atlantic Accord Implementation Act*

Contact: Rob Conn, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-5591; Fax: (613) 943-2274.

COGLA/89-122-I

Petroleum Occupational Safety and Health - Nova Scotia

The *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act* excludes the application of Part IV of the *Canada Labour Code*. Thus it is necessary to develop a separate set of regulations for the safety and inspection of all petroleum operations in the Nova Scotia offshore area, similar to the Oil and Gas Occupational Safety and Health (OSH) Regulations promulgated under Part IV of the *Canada Labour Code*.

The proposed regulations will be as similar as legislatively possible to the Oil and Gas OSH Regulations to ensure consistency in safety standards in all petroleum operations across Canada. Both the former Canadian Petroleum Association and the Independent Petroleum Association of Canada, now the Canadian Association of Petroleum Producers, were actively involved in drafting and reviewing the existing Oil and Gas OSH Regulations.

Promulgating these regulations in the Nova Scotia offshore area will have no added impact on the industry.

Legal authority: *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*

Contact: Rob Conn, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-5591; Fax: (613) 943-2274.

COGLA/89-136-I

Frontier Lands Division and Minimum Area

The relevant portions of the existing Canada Oil and Gas Land Regulations, dealing with land division and survey, were prepared on the basis of the 1927 North American Datum (NAD) pursuant to the *Territorial Lands Act* and the *Public Lands Grants Act*.

With the creation of a new satellite survey system, NAD 1983, more accurate methods of surveying have been developed. New regulations are being produced to reflect this technological advance.

The proposed regulations were discussed with the Canadian Association of Petroleum Producers. Industry favours the greater accuracy that new surveying methods will provide.

Legal authority: *Canada Petroleum Resources Act*

Contact: H. Dabaghi, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-0137; Fax: (613) 943-2274.

COGLA/91-94-I

Newfoundland Offshore Area Division and Minimum Area

These proposed regulations, pursuant to the *Canada-Newfoundland Atlantic Accord Implementation Act*, will reflect a new satellite survey system, North American Datum (NAD) 1983.

The proposed regulations will be, to the extent the enabling legislation permits, identical to the Frontier Lands Division and Minimum Area Regulations. Industry favours the new surveying methods, which will provide greater accuracy.

Legal authority: *Canada-Newfoundland Atlantic Accord Implementation Act*

Contact: H. Dabaghi, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-0137; Fax: (613) 943-2274.

COGLA/91-95-I

Nova Scotia Offshore Area Division and Minimum Area

These proposed regulations, pursuant to the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*, will reflect a new satellite survey system, North American Datum (NAD) 1983.

The proposed regulations will be, to the extent the enabling legislation permits, identical to the Frontier Lands Division and Minimum Area Regulations. Industry favours the new surveying methods, which will provide greater accuracy.

Legal authority: *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*

Contact: H. Dabaghi, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-0137; Fax: (613) 943-2274.

COGLA/89-132-L

Frontier Lands Registration - Amendments

The *Canada Petroleum Resources Act* allows regulations to be made for the registration and filing of documents related to petroleum interests, including the registration of encumbrances. The regulations established a system to permit the registration of interests (exploration, significant discovery and production licences) and instruments (e.g., transfers), and the retrieval of information.

The proposed amendments will ensure that the English and French versions correspond.

The petroleum industry is already complying with the regulations. The amendment will have no negative impact.

Legal authority: *Canada Petroleum Resources Act*

Contact: H. Dabaghi, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-0137; Fax: (613) 943-2274.

COGLA/89-133-L

Newfoundland Offshore Area Registration - Amendments

The *Canada-Newfoundland Atlantic Accord Implementation Act* allows regulations to be made for the registration and filing of documents related to petroleum interests, including the registration of encumbrances. The regulations established a system to permit the registration of interests (exploration, significant discovery and production licences) and instruments (e.g., transfers), and the retrieval of information.

The proposed amendments will ensure that the English and French versions correspond.

The petroleum industry is already complying with the regulations. The amendment will have no negative impact.

Legal authority: *Canada-Newfoundland Atlantic Accord Implementation Act*

Contact: H. Dabaghi, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-0137; Fax: (613) 943-2274.

COGLA/89-134-L

Nova Scotia Offshore Area Registration

The *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act* allows regulations to be made for the registration and filing of documents related to petroleum interests, including the registration of encumbrances. The proposed regulations will establish a system to permit the registration of interests (exploration, significant discovery and production licences) and instruments (e.g., transfers), and the retrieval of information.

The proposed regulations should promote of confidence and security within both the petroleum industry and financial institutions, as these sectors will now be able to register their documents and receive the statutory protection afforded by such a system.

Legal authority: *Canada-Nova Scotia Petroleum Resources Accord Implementation Act*

Contact: H. Dabaghi, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-0137; Fax: (613) 943-2274.

NRCan/94-31-I

Newfoundland Offshore Area Petroleum Operations - Amendments

These regulations were first promulgated in June 1988, under the *Canada-Newfoundland Atlantic Accord Implementation Act*. They set out requirements for obtaining an operating licence and authorization for exploratory or development work, and for reporting an oil spill in the Newfoundland offshore.

The proposed amendments will increase the fee for obtaining a licence, now set at \$25. The increase will depend on the type of operation carried out. The fee will cover the costs required to issue such licences and authorizations.

These amendments will result in a minimal cost increase to the petroleum industry and other organizations wishing to conduct oil and gas activities and field research programs.

Legal authority: *Canada-Newfoundland Atlantic Accord Implementation Act*

Contact: J. Nazareth, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-5591; Fax: (613) 943-2274.

COGLA/89-120-I

Nova Scotia Offshore Area Petroleum Operations

These regulations are based on similar federal regulations that were first promulgated in 1983. The Operations Regulations spell out requirements for obtaining an operations licence and authorization for exploratory or development work, and for reporting an oil spill.

These regulations will reflect amendments proposed to the Canada Oil and Gas Operations Regulations and the Newfoundland Offshore Area Petroleum Operations Regulations.

There will be a minimal cost to the petroleum industry and other organizations wishing to conduct oil and gas activities and field research programs.

Legal authority: *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*

Contact: J. Nazareth, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-5591; Fax: (613) 943-2274.

NRCan/94-33-L

Environmental Studies Research Fund Regions - Amendments

The *Canada Petroleum Resources Act* requires regions to be prescribed in regulations for the imposition of levies. These levies are used to fund environmental studies. Due to the moratorium on Georges Bank and the resolution of the international boundary dispute between Canada and France over St. Pierre and Miquelon, it is necessary to redefine some of the 31 regions presently defined in the regulations.

These amendments would exclude Georges Bank and the settled international boundary resolution from

levies. Therefore, industry would no longer be required to pay levies in these areas.

Legal authority: *Canada Petroleum Resources Act*

Contact: J. Nazareth, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-5591; Fax: (613) 943-2274.

NRCAN/94-35-I

Newfoundland Offshore Area Installation Manager

The *Canada-Newfoundland Atlantic Accord Implementation Act* requires that a manager in command of an installation meet prescribed qualifications. These regulations will spell out the qualification requirements for an installation manager.

These regulations will improve safety of operations on frontier lands because only qualified and certified personnel will be allowed to be installation managers.

Individuals aspiring to become installation managers will be required to meet stringent standards and qualifications. Therefore, the regulations will result in added costs to industry.

Legal authority: *Canada-Newfoundland Atlantic Accord Implementation Act*

Contact: J. Nazareth, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-5591; Fax: (613) 943-2274.

NRCAN/94-36-I

Nova Scotia Offshore Area Installation Manager

The *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act* requires that a manager in command of an installation meet prescribed qualifications. These regulations will spell out the qualification requirements for an installation manager.

These regulations will improve safety of operations on frontier lands because only qualified and certified personnel will be allowed to be installation managers.

Individuals aspiring to become installation managers will be required to meet stringent standards and qualifications. Therefore, the regulations will result in added costs to industry.

Legal authority: *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*

Contact: J. Nazareth, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-5591; Fax: (613) 943-2274.

NRCAN/94-38-I

Newfoundland Oil and Gas Spill and Debris Liability - Amendments

The *Canada-Newfoundland Atlantic Accord Implementation Act* imposes absolute liability, up to "an applicable limit," on an operator for any damages incurred as a result of a spill or debris in the area where oil and gas operations are being conducted. The cause of, liability for and amount of any losses or damage in excess of the applicable limit must be proven in court.

The proposed amendments will determine the applicability of absolute liability and the associated limits of liability that may be prescribed under the Act. The impact of the proposed amendments will be subject to the outcome of the consultations with stakeholders.

Legal authority: *Canada-Newfoundland Atlantic Accord Implementation Act*

Contact: T. Shanks, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 992-8286; Fax: (613) 943-2274.

NRCAN/94-39-L

Newfoundland Environmental Assessment

The purpose of these regulations is to designate the Canada-Newfoundland Offshore Petroleum Board as a federal authority under the *Canadian Environmental Assessment Act* (CEAA). This will ensure that the environmental effects of projects requiring board decisions are assessed, as required by the CEAA.

The CEAA will replace the terms and conditions of the Environmental Assessment and Review Process (EARP) Guidelines Order, which the Board now follows for environmental assessments. No significant added impact on the petroleum industry is expected.

Legal authority: *Canada-Newfoundland Atlantic Accord Implementation Act; Canadian Environmental Assessment Act*

Contact: T. Shanks, Advisor, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 992-8286; Fax: (613) 943-2274.

NRCan/94-41-L

Canada Oil and Gas Land - Amendments

These regulations were promulgated in 1961. They prescribe a regime for the administration of oil and gas rights on frontier lands, which was used extensively until the early 1980s.

Canadian ownership requirements in these regulations will be revoked to ensure consistency with oil and gas legislation.

Legal authority: *Territorial Lands Act; Federal Real Property Act*

Contact: H. Dabaghi, Advisor, Land Management and Revenues, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-0137; Fax: (613) 943-2274.

NRCan/94-43-M

Energy Efficiency Performance Levels - Amendment 2

The Energy Efficiency Regulations establish minimum energy efficiency performance levels for prescribed equipment imported into Canada or traded interprovincially. The Regulations are a key component of the National Action Program on Climate Change and help limit greenhouse gas emissions. Removing less efficient energy-using products from the market will help moderate the demand for energy, which will have environmental benefits.

NRCan proposes to expand the range of prescribed products and to increase the performance levels for some products for which regulations took effect on February 3, 1995. Products for which performance levels could be established include large air conditioners and condensing units, large heat pumps, compact clothes dryers, oil-fired furnaces, oil-fired boilers, gas-fired boilers, package terminal air conditioners and heat pumps, cobra-head type luminaries, water chillers, transformers, ice makers, dehumidifiers, incandescent PAR lamps, compact fluorescent lamps, and three-phase central air conditioners and heat pumps. In addition, higher performance levels could be established for electric motors, split-system central air conditioners and heat pumps, and ground and water source heat pumps.

The number of products ultimately included in this amendment will be determined in part by the results of a cost-benefit analysis, which will determine

whether there would be positive net economic benefits to Canada from regulating these products.

NRCan will provide early notice of the amendments to the Regulations in its newsletter, the *EnerGuide Reporter*, which is sent to some 5,000 interested parties. Prior to prepublication, NRCan will provide stakeholders with a draft of the proposed amendment for comment. Stakeholders include provincial governments, equipment manufacturers, energy supply industries, public interest groups and other interested parties. Prepublication in Part I of the *Canada Gazette* will give stakeholders another opportunity to comment.

Legal authority: *Energy Efficiency Act*, sections 20 and 25

Contact: Pat Martin, Senior Policy Analyst, Energy Demand Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 943-2396; Fax: (613) 947-4120; Internet: pat.martin@es.nrcan.gc.ca

NRCan/94-44-I

EnerGuide Label

Under the Energy Efficiency Regulations, some energy-using products are required to bear an EnerGuide label. The label must be affixed to refrigerators, freezers, ranges and ovens, dishwashers, clothes washers, clothes dryers and room air conditioners. It provides consumers with information on the energy efficiency of the appliance. The department proposes to expand the number of products that are required to display the EnerGuide label. Products that could be affected by these regulations include vented decorative gas appliances (gas fireplaces), electric water heaters and dehumidifiers.

By supporting the purchase of more energy-efficient products, the program will help limit Canadian energy demand and have environmental benefits. Consumers will benefit by having information on energy use for a wider range of products. Manufacturers of newly affected products must arrange for product testing and will need to provide the appropriate reports. Information from these reports is used to produce directories to help consumers select products.

The department will investigate alternatives, such as status quo (i.e., no labelling) and alternative labelling mechanisms.

NRCan will provide early notice of new labelling regulations in its newsletter, the *EnerGuide Reporter*, which is sent to some 5,000 interested parties. It will also consult the EnerGuide Steering Committee. The Committee comprises representatives from the provinces, utilities, appliance manufacturing associations, retailer groups, and consumer and environmental groups. Prior to prepublication, the department will give stakeholders a draft of the proposed amendment for comment. Stakeholders include other federal departments, provincial governments, equipment manufacturers, energy supply industries, public interest groups and other interested parties. Prepublication in Part I of the *Canada Gazette* will give stakeholders another opportunity to comment.

Legal authority: *Energy Efficiency Act*, sections 20 and 25

Contact: Pat Martin, Senior Policy Analyst, Energy Demand Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 943-2396; Fax: (613) 947-4120;
Internet: pat.martin@es.nrcan.gc.ca

EMR/93-1-I

Explosives Regulations - Modernization

The Explosives Regulations are made pursuant to the *Explosives Act*. They are currently being modernized and restructured, with the help of plain language drafting techniques, to better address safety in today's explosives marketplace. This overhaul is needed because the present explosives regulatory system is outdated in language and content, and lacks clarity and organization.

The Explosives Regulations, in this first phase of modernization, will be purged of provisions that are no longer required. New non-contentious regulations will be introduced to better address current technology and industrial practices. The Canadian classification system for explosives will be replaced with the United Nations system. Licence, permit and certificate fees will be increased.

Other than increasing the fees associated with the licensing system, this initiative will impose a minimal financial burden on the public. In return, the public will enjoy the benefits of a state-of-the-art regulatory system that will be easy to use and understand.

Legal authority: *Explosives Act*, section 5

Contact: Dave McCulloch, Senior Inspector of Explosives, Explosives Branch, Natural Resources

Canada, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 995-8995; Fax: (613) 995-0480.

EMR/92-34-I

Lands Surveys Tariff

This tariff sets fees to be charged for copies of maps, plans, field notes and other records or documents related to surveys under the *Canada Lands Surveys Act*. This initiative will amend fees to reflect the present cost of materials and to provide a charge for services.

NRCan currently charges fees that reflect the cost of production. Increases in fees will be in proportion to increases in production costs and should have a minimal impact on clients.

Legal authority: *Canada Lands Surveys Act*, section 4

Contact: A.M. MacLeod, Chief, Survey Regulation, Legal Surveys Division, Natural Resources Canada, 615 Booth Street, Ottawa, Ontario, K1A 0E9.
Tel.: (613) 995-4572; Fax: (613) 995-9191;
Internet: alec.macleod@gocan.nrcan.gc.ca

NRCan/95-35-I

Canada Lands Surveyors Regulations

A *Canada Lands Surveyors Act* will be introduced in the House of Commons in the fall of 1995. Regulations will be introduced once the proposed act has been finalized.

The regulations will deal with the following: membership in the governing body of the Association of Canada Lands Surveyors; the composition of committees; the academic qualifications, experience and financial requirements for the issuance and maintenance of a commission as a Canada Lands Surveyor; a survey review process to ensure the maintenance of standards; a code of ethics; member charges; and any other matter required to carry out the intent and purposes of the proposed act.

Legal authority: *Canada Lands Surveyors Act* (proposed)

Contact: A.M. MacLeod, Chief, Survey Regulation, Legal Surveys Division, Natural Resources Canada, 615 Booth Street, Ottawa, Ontario, K1A 0E9.
Tel.: (613) 995-4572; Fax: (613) 995-9191;
Internet: alec.macleod@gocan.nrcan.gc.ca

NRCan/96-2-M

Energy Efficiency Performance Levels - Lamp Amendment

The Energy Efficiency Regulations establish minimum energy efficiency performance levels for prescribed equipment imported into Canada or traded interprovincially. The regulations are a key component of the National Action Program on Climate Change and help limit greenhouse gas emissions. Removing less efficient energy-using products from the market will help moderate the demand for energy, which will have environmental benefits.

NRCan proposes to make fluorescent and incandescent reflector lamps prescribed products under the Regulations. In the fall of 1994, Canadian lamp manufacturers asked that this amendment take effect on October 31, 1995, to harmonize with performance levels that will come into effect in the United States at that time.

NRCan performed a cost-benefit analysis. The results showed that, on average, adopting these performance levels will yield positive net economic benefits to Canada. NRCan considered a voluntary program and maintaining the status quo as possible alternatives to regulation.

NRCan provided early notice of its intention to regulate these lamps in the April 1995 issue of its newsletter, the *EnerGuide Reporter*, which is sent to some 5,000 interested parties. NRCan also provided a draft of the amendment for comment to other federal government departments, major lamp manufacturers in Canada and the United States and their respective industry associations, other associations representing downstream interests in the channels of distribution, and the Department of Energy in the United States. On July 8, 1995, the amendment was republished in Part I of the *Canada Gazette* for the mandatory 75-day comment period.

Legal authority: *Energy Efficiency Act*, sections 20 and 25

Contact: Pat Martin, Senior Policy Analyst, Energy Demand Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 943-2396; Fax: (613) 947-4120;
Internet: pat.martin@es.nrcan.gc.ca

NRCan/96-1-I

Energy Efficiency Performance Levels - Electric Motor Definition Amendment

Effective February 3, 1995, the Energy Efficiency Regulations established a minimum energy efficiency performance level for electric motors imported into Canada or traded interprovincially. The regulations are a key component of the National Action Program on Climate Change and help limit greenhouse gas emissions. Removing less efficient energy-using products from the market will help moderate the demand for energy, which will have environmental benefits.

NRCan proposes to amend the definition of electric motors to identify more precisely the motors covered by the Regulations and to expand the coverage to include metric motors. This amendment will reduce confusion with respect to the type of motor regulated in Canada and minimize the cost of compliance. There are no alternatives other than amending the definition in the Regulations.

NRCan will provide early notice of this amendment to the Regulations in its newsletter, the *EnerGuide Reporter*, which is sent to some 5,000 interested parties. Prior to prepublication, NRCan will give stakeholders a draft of the proposed amendment for comment. Stakeholders include other federal government departments, provincial governments, equipment manufacturers, energy supply industries, public interest groups and other interested parties. Prepublication in Part I of the *Canada Gazette* will give stakeholders another opportunity to comment.

Legal authority: *Energy Efficiency Act*, sections 20 and 25

Contact: Pat Martin, Senior Policy Analyst, Energy Demand Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 943-2396; Fax: (613) 947-4120;
Internet: pat.martin@es.nrcan.gc.ca

NRCan/96-3-I

Mobile Offshore Drilling Unit Regulations

This initiative will set minimum acceptable standards for mobile offshore drilling units used for oil and gas exploration. With the exception of certain provisions that impose more rigorous standards because of the exceptional environmental conditions found in the Canadian offshore, the standards contained in these regulations will be similar to those adopted by most offshore regimes worldwide.

The oil and gas industry will be consulted extensively, particularly the Canadian Association of Petroleum Producers and the Canadian Association of Offshore Drilling Contractors. To ensure consistency with the requirements issued by the Canadian Coast Guard, NRCan is developing these regulations jointly with the Canadian Coast Guard.

Requirements for mobile offshore drilling units are now contained in the Installations Regulations. Once the proposed regulations are promulgated, the Installations Regulations will be amended to delete their application to mobile offshore drilling units.

Legal authority: *Canada Oil and Gas Operations Act*

Contact: J. Nazareth, Advisor, Regulations, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-5591; Fax: (613) 943-2274.

NRCan/96-4-L

Newfoundland Offshore Area Petroleum Drilling and Production Regulations

The Newfoundland Offshore Petroleum Drilling Regulations and the Newfoundland Offshore Area Petroleum Production and Conservation Regulations currently in effect will be combined to update technical requirements resulting from technological changes and the promulgation of other regulations, and to remove overlap and duplication.

These proposed regulations will enhance worker safety and protect the environment during all phases of oil and gas activities. They will also streamline the regulatory process.

No added impact on the oil and gas industry is expected.

Legal authority: *Canada-Newfoundland Atlantic Accord Implementation Act*

Contact: J. Nazareth, Advisor, Regulations, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-5591; Fax: (613) 943-2274.

NRCan/96-5-L

Nova Scotia Offshore Area Petroleum Drilling and Production Regulations

The Nova Scotia Offshore Petroleum Drilling Regulations and the Nova Scotia Petroleum Production and Conservation Regulations currently in effect will be combined to update technical

requirements resulting from technological changes and the promulgation of other regulations, and to remove overlap and duplication.

The proposed regulations will enhance worker safety and protect the environment during all phases of oil and gas activities. They will also streamline the regulatory process.

No added impact on the oil and gas industry is expected.

Legal authority: *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*

Contact: J. Nazareth, Advisor, Regulations, Frontier Lands Management Division, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-5591; Fax: (613) 943-2274.

Future initiatives

Explosives Regulations - Modernization - Phase II

Phase II of the explosives regulatory modernization will be initiated once Phase I has been completed in early 1996.

Phase II will address outstanding issues from Phase I, as well as new issues that are more contentious and are expected to require more consultation.

Preliminary consultation on Phase II issues will be conducted at the same time as the formal Phase I consultation. Further consultation will involve the publication of the results of this preliminary consultation in the *Explosives and Pyrotechnics Bulletin*. Other stakeholders will be informed through prepublication in the *Canada Gazette*.

Classification: Low-cost initiative

Contact: Dave McCulloch, Senior Inspector of Explosives, Explosives Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4. Tel.: (613) 995-8995; Fax: (613) 995-0480.

Energy Efficiency Performance Levels - Various Amendments

The Energy Efficiency Regulations establish minimum energy efficiency performance levels for prescribed equipment imported into Canada or traded interprovincially. The regulations are a key component of the National Action Program on Climate Change and help limit greenhouse gas emissions. Removing less efficient energy-using

products from the market will help moderate the demand for energy, which will have environmental benefits.

NRCan is developing various amendments to the Regulations that would expand the number of products regulated. Potential areas for regulation are as follows:

- commercial and industrial products identified in the NRCan-commissioned study by *Centre de recherche industrielle du Québec (CRIQ)*;
- products under consideration by the U.S. Department of Energy;
- higher performance levels for products covered by the Energy Efficiency Regulations as of February 3, 1995; and
- other products regulated in the U.S. but not by any province in Canada.

Whether any of these products will be regulated will be determined, in part, by a cost-benefit analysis of the economic benefits to Canada of such regulation.

NRCan will provide early notice of the amendments to the Regulations in its newsletter, the *EnerGuide Reporter*, which is sent to some 5,000 interested parties. Prior to prepublication, NRCan will give stakeholders a draft of the proposed amendment for comment. Stakeholders include other federal government departments, provincial governments, equipment manufacturers, energy supply industries, public interest groups and other interested parties. Prepublication in Part I of the *Canada Gazette* will give stakeholders another opportunity for comment.

Classification: Major initiative

Contact: Pat Martin, Senior Policy Analyst, Energy Demand Branch, Natural Resources Canada, 580 Booth Street, Ottawa, Ontario, K1A 0E4.
Tel.: (613) 943-2396; Fax: (613) 947-4120;
Internet: pat.martin@es.nrcan.gc.ca

Public Works and Government Services Canada

Content

Initiatives for 1996

Canadian Vickers Dry Dock Regulations.....	161
Municipal Grants Program.....	161

General information

Roles and responsibilities

Public Works and Government Services Canada (PWGSC) provides common services to federal government departments and seeks to be their supplier of choice for such services as procurement, compensation, financial and personnel management, Receiver General's functions, accommodation, real estate management, design and construction, telecommunications, informatics and translation. PWGSC resulted from the merger of Public Works Canada, Supply and Services Canada, the Federal Government Telecommunications Agency and the Secretary of State's Translation Bureau.

Legislative mandate

The statutes under the jurisdiction of the Minister responsible for PWGSC that are managed by the department are the:

- *Bridges Act*
- *Defence Production Act*
- *Dry Dock Subsidies Act*
- *Expropriation Act*
- *Government Property Traffic Act*
- *Government Works Tolls Act*
- *Milltown Bridge Act*
- *Municipal Grants Act*
- *Northumberland Straits Crossing Act*
- *Ottawa River Act*
- *Public Works Canada Act*
- *Seized Property Management Act*
- *Supply and Services Canada Act*
- *Surplus Crown Assets Act*

Administrative arrangements

- *Federal Real Property Act*
- *Public Works Health Act*
- *Public Harbours and Port Facilities Act*
- *Ste-Foy-St-Nicolas Bridge Act*

Initiatives for 1996

PWGSC/94-1-L

Municipal Grants Program

The Minister of Public Works and Government Services Canada (PWGSC) has established a Joint Technical Committee to review various municipal grants issues of concern to municipalities. This committee includes members from the Federation of Canadian Municipalities, the Treasury Board and PWGSC. It will make its recommendations to the Minister of PWGSC by Labour Day, 1995. To implement approved recommendations, amendments may be necessary to the Municipal Grants Regulations, the Interim Payments and Recovery of Overpayments Regulations and the Crown Corporation Grants Regulations. The scope and impact of these recommendations are unknown at this time.

Legal authority: *Municipal Grants Act*, section 9(1)

Contact: J. Piché, Special Advisor, Municipal Grants, Real Property Services Branch, PWGSC, Ottawa, Ontario, K1A 0M2. Tel.: (613) 736-2214; Fax: (613) 998-8360.

PWGSC/95-5-I

Canadian Vickers Dry Dock Regulations

Until 1991, PWGSC paid an annual subsidy of \$180,000 to MIL-Vickers (later MIL-Davies) for the operation of the Georges Vanier Floating Dry Dock at Montreal. The Canadian Vickers Dry Dock Regulations were given Royal Assent as per the 1964 agreement between the Crown and Canadian Vickers Ltd. (later MIL-Davies). A condition of the agreement was that the dry dock be operated at the port of Montreal. However, as a result of the concentration of facilities at Lauzon, Quebec, MIL-Davies is now in default of the subsidy agreement and payments were therefore suspended in 1991. MIL-Davies now receives a direct subsidy from Industry Canada. PWGSC will therefore seek to revoke these regulations.

Legal authority: *Dry Dock Subsidies Act*, section 91(5.1)

Contact: Marcia Carlyn, A/Director, Custodial Services, Real Property Services Branch, PWGSC, Ottawa, Ontario, K1A 0M2. Tel.: (613) 736-2207; Fax: (613) 736-3253.

Content

Initiatives for 1996

Customs Border Services Branch

Accounting for Imported Goods and Payment of Duties Regulations - Release on Minimum Documentation	164
--	-----

Accounting for Imported Goods and Payment of Duties Regulations - New Business Relationships	164
--	-----

Regulations Concerning the Non-Resident Customs Accounting Program	165
---	-----

Trade Administration Branch

Display Goods Temporary Importation Regulations	165
--	-----

Drawback Claims Remission Order	166
---------------------------------------	-----

Duties Relief Regulations.....	165
--------------------------------	-----

NAFTA Rules of Origin Regulations	166
---	-----

Temporary Importation Remission Orders.....	167
---	-----

Used Motor Vehicle Exemption Regulations	167
--	-----

Valuation for Duty Regulations	166
--------------------------------------	-----

Excise Duties and Taxes

Brewery Departmental Regulations	167
--	-----

Brewery Regulations	167
---------------------------	-----

Distillery Departmental Regulations	168
---	-----

Distillery Regulations.....	168
-----------------------------	-----

Excise Warehousing Departmental Regulations.....	168
---	-----

Formula Refunds Regulations.....	170
----------------------------------	-----

Gasoline and Aviation Gasoline Excise Tax Application Regulations.....	171
---	-----

Gasoline and Aviation Gasoline Excise Tax Regulations.....	171
---	-----

General Excise and Sales Tax Regulations	170
--	-----

Goods for Ships and Aircraft (Excise) Drawback Regulations	170
---	-----

Manufacturers In Bond Departmental Regulations.....	169
--	-----

Manufacturers In Bond Regulations	169
---	-----

Small Manufacturers or Producers Exemption Regulations	171
---	-----

Specially Denatured Alcohol Regulations	169
---	-----

Tobacco Departmental Regulations	169
--	-----

Tobacco Regulations	170
---------------------------	-----

Income Tax

Communication of Information, Part XXX.....	172
---	-----

Elections, Parts X, XV, and XXI.....	172
--------------------------------------	-----

Elections, Part VI.....	172
-------------------------	-----

Instalment Base for Individuals, Part LIII	173
--	-----

Registered Pension Plans - Reporting and Provision of Information, Part LXXXIV	173
---	-----

Tax Deductions, Part I	171
------------------------------	-----

Tax Information Returns, Part II	172
--	-----

Tax Tables, Part XXV	172
----------------------------	-----

Universities Outside Canada, Schedule VIII.....	172
---	-----

Canada Pension Plan

Part IV, Regulation 35 - Refund of Overpayments.....	174
---	-----

Schedules IV to IX	173
--------------------------	-----

Source Deductions, Part I and Schedule I	173
--	-----

Unemployment Insurance

Collection of Premiums	174
------------------------------	-----

Part IV, Regulation 25 - Refund of Overpayments.....	174
---	-----

Tax Rebate Discounting Act

Tax Rebate Discounting Regulations - Forms	174
--	-----

Fee Orders

Advance Taxation Rulings Fees Order.....	174
--	-----

Registered Charities Information Return Fee Order.....	175
---	-----

Revenue Canada Taxation Technical Publication Subscription Service Fees Order	175
Taxation Statistical Analyses and Data Processing Services Fees Order	175

Miscellaneous

Customs, Excise and Taxation Legislation, Regulations and Orders - Amendments	175
Delegation of Minister of National Revenue's Powers and Duties	176
Miscellaneous Regulatory Amendments.....	177
Remissions under Customs, Excise or Taxation Legislation	177

Future initiatives

Customs Border Services Branch

Accelerated Commercial Release Operations Support System.....	178
<i>Customs Act</i> (new) - Regulations	178
Reporting of Exported Goods Regulations - Goods Exported to the United States.....	179
Storage of Goods Regulations	179

Trade Administration Branch

Canada/Israel Free Trade Agreement.....	180
Foreign Missions and International Organizations.....	179
North American Free Trade Agreement - Accession of Chile.....	179

Excise Tax Act/GST

<i>Excise Act</i> - Review	180
GST Review	180

Income Tax

Business Re-engineering.....	180
Simplification.....	181

General information

Roles and responsibilities

Revenue Canada is directly responsible for the administration of Canada's international trade, border and tax policies. In addition, the Department is responsible for the delivery of social programs such as

the Child Tax Benefit and the Goods and Services Tax (GST) credit.

Under the direction of the Minister of National Revenue, the Department serves Canadians and Canadian businesses through the administration of customs, excise and taxation programs.

Through its border policy administration, which it also carries out on behalf of other departments or levels of government, the Department protects Canadian society from, among other things, the illegal movement of drugs and firearms across the nation's borders.

Its international trade policy administration seeks to ensure that Canadian industry is fairly treated by the wide variety of trade policy instruments that set the levels of customs duties, define import and country of origin requirements, provide for duties relief through remission and drawback programs, and provide remedies for unfair trade practices through anti-dumping and countervailing duties.

The Department collects the GST, excise taxes and excise duties on both domestic transactions and importations. Customs duties and other import levies – in addition to, in some cases, provincial sales, alcohol and tobacco taxes – are collected at the border. The Department collects federal income tax as well as personal and corporate tax on behalf of most provinces, along with employee and employer contributions to the *Canada Pension Plan* and employee and employer premiums for the Unemployment Insurance Commission.

The Department also administers the Child Tax Benefit and GST credit programs which redistribute income to fulfil the government's social policy. In addition, it issues tax credits, incentives, refunds and rebates to individuals and businesses. It is also responsible for administering the *Tax Rebate Discounting Act* to ensure that tax discounters are acting in accordance with the provisions of that act.

Through the administration of excise duties, the Department regulates the tobacco, distilling and brewing industries to a considerable extent. The administration of the income tax, GST, excise tax and duty collections systems carries with it the responsibility to assess, collect and, where appropriate, refund duties, taxes and levies. Audit, review and adjustment functions are important aspects of the tax and duty collection processes.

The Department must also develop and maintain guidelines, policies, strategies, systems and programs for the consistent administration of its activities.

Legislative mandate

The Department exists by virtue of the *Department of National Revenue Act*, which charges the Minister of National Revenue with the control, regulation, management and supervision of internal taxes, including income tax and consumption taxes, as well as customs and excise duties.

The Minister is responsible for the administration of the statutes that fall within the department's legislative mandate, while the Minister of Finance retains the responsibility for the development of tax policy and legislation in respect of those statutes.

Major statutes included in the legal mandate of the Revenue Canada are:

- *Canada Pension Plan, Part I*
- *Children's Special Allowances Act*
- *Customs Act*
- *Customs Tariff*
- *Excise Act*
- *Excise Tax Act* (includes the GST)
- *Income Tax Act*
- *Income Tax Conventions Interpretations Act*
- *Importation of Intoxicating Liquors Act*
- *Petroleum and Gas Revenue Tax Act*
- *Special Import Measures Act*
- *Tax Rebate Discounting Act*
- *Unemployment Insurance Act, Parts III and VII*

Administrative arrangements

International tax agreements aim to promote the exchange of information between treaty partners and to avoid the double taxation of foreign income earned by citizens of countries having treaties with Canada.

According to the provisions of Part III of the *Federal-Provincial Fiscal Arrangements Act*, the Department collects income taxes for the provinces under agreements entered into by the Minister of Finance.

The Department also administers more than 70 pieces of legislation that pertain mainly to the movement of goods and people across Canada's borders. That legislation comes under the authority of other federal government departments and agencies, notably the departments of Agriculture and Agri-Food, Health, Industry, Statistics Canada and Transport.

Initiatives for 1996

Customs Border Services Branch

RC-CE/90-450-I

Accounting for Imported Goods and Payment of Duties Regulations - New Business Relationships

These regulations set out the accounting, release and duty payment requirements for all goods imported into Canada.

The Regulations will be amended to support several initiatives related to the New Business Relationships Initiative and the integration of the revenue portfolio. Some of these initiatives deal with courier shipments, low-value shipments, and method of payment of duties and taxes. In addition, other initiatives are currently being developed in consultation with the brokerage and importing community. Amendments to the Regulations will be introduced as each initiative is ready to be implemented.

These policy and program initiatives will benefit the community by providing flexibility and improving service.

Legal authority: *Customs Act*, section 32

Contact: Gary McConnell, Project Manager, Release Policy, Project Management Division, Commercial Operations Directorate, Revenue Canada, 17th Floor, 191 Laurier Avenue West, Ottawa, Ontario, K1A 0L5.
Tel.: (613) 957-8690; Fax: (613) 941-0869.

RC/R-1-L

Accounting for Imported Goods and Payment of Duties Regulations - Release on Minimum Documentation

The Accounting for Imported Goods and Payment of Duties Regulations, which pertain to mail importations, prohibit importers from using release prior to payments privileges. For all mail items, the duties and taxes must be collected before the goods can be released from customs.

Currently, duties and taxes payable on commercial mail items valued under \$1,600, as well as on all non-commercial mail goods, are accounted for on an E14 Customs Postal Import form, which must be remitted to Canada Post Corporation (CPC) upon delivery. For commercial mail items over \$1,600, Customs notifies the importer that the goods have

arrived and that the duties and taxes must be paid using a B3 cash type transaction before the goods can be released and delivered.

The Department proposes to make a regulatory change to allow the use of Release on Minimum Documentation (RMD) privileges for clearance of commercial mail items. Under this proposal, Customs would continue to notify commercial importers (for goods valued over \$1,600) that their mail items have arrived and that they must present the necessary release or accounting documents to Customs. Importers can then submit an RMD to obtain release of their goods. Of course, importers may continue to use a B3 cash entry should they wish.

Commercial mail items valued under \$1,600, which are documented on an E14, may also be accounted for using release prior to payment privileges. However, as is the practice today, CPC is required to return these goods to Customs pending submission of the necessary release documentation.

Legal authority: *Customs Act*, section 32

Contact: Fred Light, Director, Postal, Courier and LVS Division, Commercial Operations Directorate, Revenue Canada, Connaught Building, 5th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7130; Fax: (613) 952-5491.

RC/94-11-L

Regulations Concerning the Non-Resident Customs Accounting Program

New regulations will be made to authorize some non-resident exporters to account for low-value goods exported to Canada as mail or by courier and to pay the applicable duties and taxes in lieu of the importer. These regulations will set out the conditions to be met by a non-resident exporter before an authorization is granted, the ensuing obligations and responsibilities, the manner of accounting for the goods and the requirements with respect to the payment of duties. The regulatory framework required to support this initiative also includes amendments to the following regulations: Fees in Respect of Mail Regulations, Accounting for Imported Goods and Payment of Duties Regulations, and Proof of Origin Regulations.

Under the program, all costs associated with the assessment, collection and remittance of these duties and taxes will be the responsibility of the non-resident exporter. Therefore, goods imported by courier and goods imported as mail will be accounted for by the exporter; goods imported as mail will be exempt from

the \$5.00 postal handling fee. Duties and taxes will be collected in a more cost-efficient manner, as the Department will receive them directly from those exporters registered under the proposed regulations.

These regulations will be submitted only after full consultation with affected client groups.

Legal authority: *Customs Act*, section 32

Contact: Fred Light, Director, Postal, Courier and LVS Division, Commercial Operations Directorate, Revenue Canada, Connaught Building, 5th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7130; Fax: (613) 952-5491.

Trade Administration Branch

RC-CE/93-8-L

Duties Relief Regulations

Section 6 of these regulations provides that Canadian goods exported temporarily for repairs, additions or work to be done abroad be exported under the supervision of a customs officer.

This section will be amended to provide for alternative documentary evidence of exportation of goods to be accepted where it is not practicable for the exporter to export such goods under the supervision of a customs officer.

The amendment will broaden current requirements regarding proof of export, thus assisting importers who wish to request relief of duties under subsection 88(1) of the *Customs Tariff*.

Legal authority: *Customs Tariff*, section 95

Contact: D. Hotchkiss, Manager, Remission Policy Unit, Tariff Programs Division, Trade Administration Branch, Revenue Canada, Connaught Building, 6th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6878; Fax: (613) 952-3971.

RC/95-2-L

Display Goods Temporary Importation Regulations

These regulations provide for the importation, free of duty, of certain classes of goods temporarily imported for specified use in Canada under certain terms and conditions. The proposed amendments will expand the Regulations to allow for further relief provisions, to make it easier to import goods for temporary use.

Legal authority: *Customs Tariff*, tariff item 9819.00.00 of Schedule I

Contact: R. Dods, Manager, Unit 4A, Consumer and Industrial Products, Tariff Programs Division, Trade Administration Branch, Revenue Canada, Connaught Building, 6th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6949; Fax: (613) 954-9646.

RC/96-2-M

NAFTA Rules of Origin Regulations

These regulations implement Canada's obligations under Article 511 of the North American Free Trade Agreement (NAFTA) and set out the conditions under which goods may originate in the United States, Mexico and Canada, with rules that are uniform in all three countries.

Aside from the anticipated amendment needed in the event that Chile becomes a member of NAFTA (see "Future Initiatives"), several other changes are required to these regulations. There are a number of technical adjustments needed to Schedule I to the Regulations, in accordance with the rectifications agreed upon by the current NAFTA members. These changes will have virtually no impact on the public at large.

As well, Schedule I will be amended to include changes to the rules of origin applicable to the products of the chemical and allied industries. These changes are intended to reduce the number of instances where a good must satisfy a regional value content requirement, and will thereby simplify the administration of the rules of origin as they pertain to these industries. Consultations with the chemical industry and other interested parties began in early 1994.

Finally, Schedule I will be amended to incorporate changes to the rules of origin pursuant to the revision to Article 16 of the Harmonized Commodity Description and Coding System. This amendment is required in order to bring the rules of origin into line with the harmonized system and thereby make the rules of origin more workable for the trading communities in all three countries.

Legal authority: *Customs Tariff*, subsection 95(2); *Customs Act*, subsection 164(1.1)

Contact: Colleen Brock, Manager, Origin Negotiations, Trade Administration Branch, Revenue Canada, Connaught Building, 1st Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6862; Fax: (613) 941-8138.

RC/96-3-I

Valuation for Duty Regulations

These regulations will be amended to include and define the phrase "purchaser in Canada." This definition is required in order to implement fully some proposed legislative amendments to the valuation provisions of the *Customs Act*. As a result, the value for duty of imported goods will be based on the price paid by a purchaser in Canada to a foreign vendor, determined using the transaction value method.

This amendment will implement in legislation the long-standing administrative policy that has been in place since 1985, and would close a perceived loophole in the interpretation of the current valuation provisions of the *Customs Act*. This will ensure that all importers are treated equitably under the *Customs Act* and that a competitive advantage does not accrue to any particular section of the importing community.

Legal authority: *Customs Act*, section 164

Contact: Stuart MacDonald, Chief, Policy Development Unit, Valuation Division, Trade Administration Branch, Revenue Canada, 9th Floor, 191 Laurier Avenue West, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7338; Fax: (613) 954-5500.

RC/R-4-L

Drawback Claims Remission Order

Once a year, a remission order is prepared remitting customs duties paid on imported goods that are the subject of drawback claims. The Drawback Claims Remission Order allows the department to pay a drawback to Canadian companies that, because of circumstances beyond their control, could not file drawback claims within the prescribed time limit.

Generally, the Order applies to a new company, an existing company not previously engaged in export trade, or a company that has manufactured articles in fulfilment of an export order but has been instructed by the foreign purchaser to withhold shipment until a later date.

The Order will benefit claiming Canadian companies by diminishing the effect of certain circumstances beyond their control on their ability to compete in domestic and international markets.

Legal authority: *Customs Tariff*, section 101

Contact: J. Mills, A/Manager, Drawback and Refund Policy Unit, Duties Relief Programs, Tariff Programs

Division, Trade Administration Branch, Revenue Canada, Connaught Building, 6th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6890; Fax: (613) 954-9646.

RC/R-5-L

Temporary Importation Remission Orders

Each year, the Department retroactively grants remission of a portion of the customs duties and Goods and Services Tax paid or payable on certain goods required temporarily in Canada.

These orders allow Canadian industries to produce goods and provide services in a more cost-effective, and therefore more competitive, manner. They also reduce the administrative and financial burden on those industries and the department by removing the requirement to obtain legislative authority for individual cases.

Legal authority: *Customs Tariff*, section 101

Contact: D. Hotchkiss, Manager, Remission Policy Unit, Tariff Programs Division, Trade Administration Branch, Revenue Canada, Connaught Building, 6th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6878; Fax: (613) 952-3971.

RC/R-6-L

Used Motor Vehicle Exemption Regulations

Generally, used or second-hand motor vehicles have to be 15 years old or older before they are exempt from the prohibitory terms of Code 9963 of Schedule VII to the *Customs Tariff* and can be imported into Canada. Although the age restriction on motor vehicles imported from the United States was eliminated on January 1, 1993, under the terms of the Canada - U.S. Free Trade Agreement, the 15-year age restriction still applies to motor vehicles imported from other countries.

Every year, individuals wishing to import vehicles make requests for exemption from the prohibition. Departmental officials review these requests on a case-by-case basis. Because of special circumstances surrounding given cases, the Minister may recommend that regulations be made exempting certain vehicles that are not already exempted by the existing Used or Second-Hand Motor Vehicle Regulations.

As the number of vehicles exempted from the prohibition each year is relatively small, there will be

no impact on either the Canadian new or used motor vehicle industries.

Legal authority: *Customs Tariff*, paragraph (e) of code 9963 of Schedule VII

Contact: R. Dods, Manager, Unit 4A, Consumer and Industrial Products, Tariff Programs Division, Trade Administration Branch, Revenue Canada, Connaught Building, 6th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7028; Fax: (613) 954-9646.

Excise Duties and Taxes

RC-CE/91-485-L

Brewery Departmental Regulations

These regulations prescribe the manner in which the amount of duty payable for beer is to be calculated and when a brewer is entitled to a drawback. In addition, they set out the information that must be recorded in a brewer's books and records, and the information required in the monthly return to be provided to Revenue Canada.

The Regulations will be modified to incorporate a requirement that brewers record any allowances, drawbacks or credits of excise duty payments. This will make auditing and revenue collection easier.

Legal authority: *Excise Act*, sections 31 and 127.1

Contact: D. Janssen, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 941-1498; Fax: (613) 954-2226.

RC/94-17-L

Brewery Regulations

These regulations require a brewer to establish a "production day," during which the beer is produced; allow for refunds on destroyed or lost beer under specific conditions; dictate the time of payment of excise duty; require specific information to be shown on containers; and define what constitutes "exported" beer.

This amendment will revoke the requirement for advance approval of changes to the commencement date and the duration of a production period, and will make other changes of an editorial nature to ensure consistency between the English and French versions of the Regulations. This change will allow breweries to expedite changes to operations and will allow

complete flexibility in determining acceptable production periods, thus reducing the administrative burden on both brewers and the government.

Legal authority: *Excise Act*, paragraph 127(b) and section 174

Contact: D. Janssen, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 941-1498; Fax: (613) 954-2226.

RC/R-7-L

Distillery Regulations

These regulations prescribe the conditions for colouring pipelines; for blending, bottling, distilling and re-distilling domestic spirits; and for affixing strip stamps to specific products.

This amendment will discontinue the sale of strip stamps to distillers. Providing this special service is no longer feasible because of the significant decrease in demand for government-issued strip stamps. This change will reduce the administrative burden on the department.

Legal authority: *Excise Act*, sections 127 and 154

Contact: D. Janssen, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 941-1498; Fax: (613) 954-2226.

RC/94-21-L

Distillery Departmental Regulations

These regulations prescribe the conditions for a variety of distilling operations, including determining the quantity of spirits produced; using flavouring materials having a spirit content; using domestic and imported blending material; and returning duty-paid spirits to in-bond stock. In addition, these regulations set out the particulars to be recorded in the distiller's daily books and records.

This amendment will make all spirits that are to be returned to in-bond stock eligible for a credit based on the rate of duty paid at the time the spirits were removed from bond. All licensees will be eligible to take advantage of this credit entry. This amendment will also consolidate the record-keeping requirements for distillers in one regulation, by incorporating the record-keeping requirements for the production and disposition of specially denatured and denatured

alcohol that are presently provided in the Denatured Alcohol Regulations. Other changes will require distillers to provide specific information on the monthly return. In addition, changes of a housekeeping nature will be made to these regulations to increase clarity and ensure consistency with the statute.

The above changes will benefit the industry by correcting the inequitable treatment of certain spirit products and certain licensees, and will make the Regulations easier to understand.

Legal authority: *Excise Act*, sections 31 and 127.1 and subsection 150(1)

Contact: D. Janssen, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 941-1498; Fax: (613) 954-2226.

RC/94-23-L

Excise Warehousing Departmental Regulations

These regulations prescribe the conditions for the transfer of goods in bond; the return of exported goods to in-bond status; and the release of goods, duty free, to specified persons such as diplomats. They also set record-keeping requirements for bonding-warehouse operators.

The Regulations will be amended to permit the transport of samples in bond; to permit the return of spirits to in-bond stock; to eliminate the minimum quantity requirement for the removal of spirits from a bonding warehouse; to revoke the requirement that the Regional Director provide authority to return exported goods to in-bond stock; and to reflect the new bonding warehouse licences issued to individuals authorized by a licensed tobacco or cigar manufacturer to distribute tobacco or cigars to accredited representatives.

The proposed changes will reduce the compliance burden on the licensees, help the industry become more competitive, and reduce the administrative costs incurred by industry and by the department.

Legal authority: *Excise Act*, section 127.1, and subsections 32(2), 50(4), 58(1) and 150(1)

Contact: D. Janssen, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier,

Ontario, K1A 0L5. Tel.: (613) 941-1498;
Fax: (613) 954-2226.

RC-CE/91-489-L

Manufacturers In Bond Departmental Regulations

These regulations set out the administrative requirements for bonded manufacturers. These include the supervision of certain operations by officers; the determination of the quantity of spirits taken for use; the abatement of duties for deficiencies; and the drawback of duties when goods are exported. The Regulations also set out the requirements for record-keeping and for annual returns to be submitted to Revenue Canada.

The Regulations will be amended to require manufacturers to provide, on a monthly return, additional information needed to ensure the collection of all applicable duties. Amendments will also remove the requirement to file an annual return, thus protecting revenue while reducing the burden on the industry.

Legal authority: *Excise Act*, sections 127.1, 32(2), 186

Contact: B. Anderson, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 957-7593;
Fax: (613) 954-2226.

RC/94-24-L

Manufacturers In Bond Regulations

These regulations specify the categories of goods that may be manufactured by a bonded manufacturer, and require that formula cards be submitted and approved for each proposed product.

They will be modified to expand the product categories and specified products, and to revoke the sections dealing with specifications for vanilla in solutions, vanilla extract and other extracts. The proposed changes will increase the industry's flexibility and competitiveness by expanding product classification.

Legal authority: *Excise Act*, sections 127, 181, 183, 194

Contact: B. Anderson, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 957-7593;
Fax: (613) 954-2226.

RC/96-8-L

Specially Denatured Alcohol Regulations

These new regulations will replace the Denatured Alcohol Regulations and the Specially Denatured Alcohol (Import) Regulations, and significantly expand the range of formulations and end uses for specially denatured alcohol (SDA). In addition, this amendment will allow permits for the importation of SDA to be obtained on an indeterminate rather than an annual basis. This will benefit manufacturers by permitting them to use an expanded range of formulations, thus enhancing the creative and competitive potential of Canadian industry. The new formulations harmonize with the SDA grades in the United States, thereby allowing Canadian manufacturers to produce goods for the United States and other export markets. This initiative will decrease the administrative burden on the industry and the department and create less restrictive requirements for the resale of rubbing alcohol.

The consolidation of these regulations will improve efficiency and make the requirements for SDA easier to interpret, thus ensuring the equitable treatment of domestic and imported products.

Legal authority: *Excise Act*, sections 31 and 127.1 and subsection 246(2)

Contact: B. Anderson, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 957-7593;
Fax: (613) 954-2226.

RC-CE/91-490-L

Tobacco Departmental Regulations

These regulations prescribe the conditions for the handling, processing, stamping and labelling of tobacco products, and set out requirements for record-keeping and for filing a monthly return with Revenue Canada. In addition, they set out the method used to determine the quantity of tobacco manufactured for the purpose of calculating the duty payable.

This amendment will establish the amount of unstamped tobacco products that an individual may import for non-commercial purposes and will permit modifications to the federal tobacco stamp to allow for provincial requirements. It will also repeal the requirement for the shipper's name to appear on every container of raw leaf tobacco, scraps, cuttings, waste or partially manufactured tobacco. Changes of a housekeeping nature will also be made to increase the

clarity of the Regulations. This amendment will allow the industry to operate with greater flexibility and make it easier for individuals to import tobacco legally.

Legal authority: *Excise Act*, sections 127.1, 32(2), 201, 211, and 202

Contact: V. Cosman, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 957-8637; Fax: (613) 954-2226.

RC/R-9-L

Tobacco Regulations

These regulations prescribe the conditions for marking containers, warehousing tobacco and paying duty.

This amendment will define the marking requirements for tobacco products destined for the duty-free and export markets and prescribe those products that are exempt from the marking requirements. In addition, it will make changes of a housekeeping nature. These changes will make it easier to identify smuggled products, helping enforcement agencies, retailers and the public to prevent legally exported duty-free cigarettes from being smuggled back into Canada.

Legal authority: *Excise Act*, sections 60, 127, 202

Contact: V. Cosman, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 957-8637; Fax: (613) 954-2226.

RC/94-29-L

Formula Refunds Regulations

These regulations specify how to calculate the amount of deductions, refunds or payments in situations where there is insufficient information to determine the exact amount of federal sales or excise tax.

They will be repealed and replaced with regulations that will deal specifically with excise tax payments and deductions. The formulae for determining estimated payments or deductions will be included in the revised regulations. These changes will not entail any policy changes. This initiative appeared in the 1994 *Federal Regulatory Plan* as part of RC-29.

Legal authority: *Excise Tax Act*, section 76

Contact: D.K. Hudson, Director, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier,

Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323; Fax: (613) 954-2226.

RC/94-29-L

Goods for Ships and Aircraft (Excise) Drawback Regulations

These regulations set the parameters for claiming sales and excise taxes on goods supplied to ships and aircraft proceeding on international voyages.

They will be modified to remove all references to the former federal sales tax. This will not entail any policy changes.

Legal authority: *Excise Tax Act*, section 70(1)

Contact: D.K. Hudson, Director, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323; Fax: (613) 954-2226.

RC/94-31-L

General Excise and Sales Tax Regulations

The current General Excise and Sales Tax Regulations outline the rules applicable to the licensing of manufacturers and wholesalers for the purposes of federal sales and excise taxes; the licensing exemption for small manufacturers; the security to be given by licensed wholesalers; and returns and payments. They also set out the rules governing the documentation of exported goods for which sales or excise taxes have been paid and that are subject to rebate or deduction.

These regulations will be revised to eliminate all obsolete provisions and references to federal sales tax. Most of the remaining provisions will be altered to correct references to various sections of the *Excise Tax Act* and to effect other housekeeping changes. The Regulations will also be revised to incorporate additional exemptions that are now covered in the Small Manufacturers or Producers Exemption Regulations, which are scheduled for revocation. All of the modifications being contemplated under this amendment are essentially housekeeping in nature.

Legal authority: *Excise Tax Act*, sections 59(1), 64(2), 68.1

Contact: B. Anderson, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier,

Ontario, K1A 0L5. Tel.: (613) 957-7593;
Fax: (613) 954-2226.

RC/94-32-L
Gasoline and Aviation Gasoline Excise Tax Application Regulations

In accordance with recommendations stemming from the department-wide regulatory review, the existing regulations will be revised and renamed. When the Goods and Services Tax was implemented on January 1, 1991, the *Excise Tax Act* provisions pertaining to rebates of gasoline and aviation gasoline excise taxes were substantially revised. As part of those revisions, excise tax rebates for aviation gasoline were eliminated, while the eligibility for excise tax rebates on gasoline was limited to a few groups of claimants who are named in the legislation.

The revised regulations will incorporate some housekeeping changes in order to reflect the current provisions of the *Excise Tax Act*. In addition, they will be changed to reflect current administrative practice by eliminating the requirement for an individual applicant to provide his or her social insurance number on an application for rebate of the excise tax on gasoline. This revision to the Regulations will require no policy changes.

Legal authority: *Excise Tax Act*, section 68.16(6)
Contact: D.K. Hudson, Director, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323;
Fax: (613) 954-2226.

RC/94-33-L
Gasoline and Aviation Gasoline Excise Tax Regulations

In accordance with recommendations stemming from the department-wide regulatory review, the existing regulations will be revised and renamed. When the Goods and Services Tax was implemented on January 1, 1991, the *Excise Tax Act* provisions pertaining to rebates of gasoline and aviation gasoline were substantially revised. Accordingly, excise tax rebates for aviation gasoline were eliminated, while the eligibility for excise tax rebates on gasoline was limited to a few groups of claimants who are named in the legislation. The legislative provisions for the issuance of bulk permits for gasoline and aviation gasoline were also revoked at that time.

The revised regulations will reflect these legislative changes, eliminate a number of obsolete provisions and make several other corrections to references to sections of the *Excise Tax Act*. However, no changes in policy or to current administrative practices will be required as a consequence of this revision.

Legal authority: *Excise Tax Act*, section 68.16(1)
Contact: D.K. Hudson, Director, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323;
Fax: (613) 954-2226.

RC/94-34-L
Small Manufacturers or Producers Exemption Regulations

These regulations list classes of manufacturers or producers who are exempt from paying federal sales tax and excise tax on goods they manufacture. Federal sales tax applications have not been relevant since the Goods and Services Tax was adopted in 1991. Excise tax exemptions continue to apply and will be incorporated into the General Sales and Excise Tax Regulations, at which time the Small Manufacturers or Producers Exemption Regulations will be revoked. There will be no requirement to revise current policy or administrative practices in association with these changes.

Legal authority: *Excise Tax Act*, section 54(2)
Contact: B. Anderson, Project Officer, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 957-7593;
Fax: (613) 954-2226.

Income Tax

RC/R-10-L
Tax Deductions, Part I

Amendments to Part I and Schedule I of the Income Tax Regulations will change federal-provincial sharing of source deductions on wages and salaries and source deduction tables for employers to reflect indexing and federal and provincial budget changes. Amendments will also be made to Part I to require source deductions on retiring allowances and other lump sums transferred to registered retirement savings plans or other deferred income plans.

The impact of the amendments cannot be determined at this time.

Legal authority: *Income Tax Act*, subsection 153(1)

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-11-L

Tax Information Returns, Part II

Amendments to Part II of the *Income Tax Regulations* will require a described class of persons to file information returns in certain circumstances. The amendments will reflect amendments to the *Income Tax Act* and to those classes of persons and circumstances that the department has determined should file information returns to enhance the effective administration of the *Income Tax Act*. For example, the 1995 Budget proposed a new reporting system that will tighten the reporting requirements for the construction industry. Contractors will be required to file a new information return for payments to subcontractors. Amendments will require information returns to be filed by all contractors who make payments to subcontractors for the provision of goods and services related to construction, alteration, repair or removal of any structure.

Further amendments may be made to make reporting unnecessary when there are no tax consequences or where the information is reported elsewhere.

The amendments are administrative in nature. They will reduce the paper burden by eliminating unnecessary reporting, but will increase the paper burden by requiring some new reporting of financial transactions.

Legal authority: *Income Tax Act*, paragraph 221(1)(d)

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-12-L

Elections, Part VI

Amendments to Part VI of the *Income Tax Regulations* will list additional provisions of the *Income Tax Act* in respect of which late, amended or revoked elections may be made.

They are relieving in nature, but the impact cannot be determined at this time.

Legal authority: *Income Tax Act*, subsection 220(3.2)

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-13-L

Elections, Parts X, XV, and XXI

Amendments to Parts X, XV and XXI of the *Income Tax Regulations* will revoke the manner of making elections. They are administrative in nature.

Legal authority: *Income Tax Act*, paragraph 221(1)(a)

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-14-L

Tax Tables, Part XXV

Amendments to Part XXV of the *Income Tax Regulations* will delete redundant references to subsection 117(7) and section 121 of the *Income Tax Act*. These changes are administrative in nature.

Legal authority: *Income Tax Act*, subsection 117(6)

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-15-L

Communication of Information, Part XXX

Amendments to Part XXX of the *Income Tax Regulations* will list additional provincial laws in respect of which this department may communicate income tax information to provincial governments. These changes are administrative in nature.

Legal authority: *Income Tax Act*, subsection 122.64(2)

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-16-L

Universities Outside Canada, Schedule VIII

Schedule VIII to the Income Tax Regulations lists the universities outside Canada to which Canadians can make donations that are deductible for income tax purposes. This schedule will be amended to add additional universities that meet the requirement contained in the *Income Tax Act* or to reflect a change in the name of a listed university. These amendments are relieving in nature, but the impact cannot be determined at this time.

Legal authority: *Income Tax Act*, subparagraph 110.1(1)(a)(vi)

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/96-17-L

Instalment Base for Individuals, Part LIII

The Income Tax Regulations define the instalment base for an individual. They do not take into account the many changes made to the instalment remitting provisions since 1986, and refer to *Income Tax Act* provisions that have been repealed.

The Regulations will be amended to reflect the way the instalment base is actually being calculated, and to stipulate that the instalment base is not affected by the proposed accelerated *Old Age Security* clawback.

Legal authority: *Income Tax Act*, subsection 156(3)

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/96-18-L

Registered Pension Plans - Reporting and Provision of Information, Part LXXXIV

Amendments to Part LXXXIV of the Income Tax Regulations will allow the administrators of registered pension plans to file a joint information return with the provincial authority responsible for regulating pension plans where there is an agreement between the province and the Minister of National Revenue permitting the joint filing. The due date for the filing of the information will be amended for all pension plans to require filing based on the fiscal period of the

plan, as is currently the case under provincial legislation.

The amendments are relieving in nature and will reduce paper burden.

Legal authority: *Income Tax Act*, paragraph 221(1)(d)

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

Canada Pension Plan

RC/R-19-L

Source Deductions, Part I and Schedule I

These amendments to Part I of the Canada Pension Plan Regulations will set out the maximum contributions that can be made annually and the annual basic exemption. The amendments reflect the inflationary increase in salaries and wages as reflected by the Industrial Aggregate in Canada. These amendments will be prepared in consultation with Human Resources Development Canada.

Amendments to Schedule I to the Regulations, which provides source deduction tables for employers, are based on the revised maximum contributions and basic exemption.

The figures necessary to set the revised maximum contributions and basic exemption are not available at this time.

Legal authority: *Canada Pension Plan*, subsection 21(1)

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-20-L

Schedules IV to IX

Amendments to Schedule IV to the Canada Pension Plan Regulations, which lists the types of employment by a provincial government that are excluded from pensionable employment, will reflect requests received from the provincial governments.

Amendments to Schedules V to IX to the Regulations will reflect international agreements between the Government of Canada and international organizations or the governments of other countries. The agreements affecting schedules V to VIII provide that certain employees in Canada of the international

organizations or the other countries' governments are employed in exempt employment for the purposes of the *Canada Pension Plan*. The agreements affecting Schedule IX provide that certain employees in Canada of other countries' governments are employed in pensionable employment for the purposes of the *Canada Pension Plan*.

The precise impact of the amendments cannot be determined at this time but, generally, they will result in increased contributions.

Legal authority: *Canada Pension Plan*, section 7

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/96-21-I

Part IV, Regulation 35 - Refund of Overpayments

The Canada Pension Plan Regulations will be amended to reflect the 45-day interest-free period specified in the *Income Tax Act* within which the department must issue a refund of taxes. Since CPP overpayments are included with an income tax refund, this amendment is being made in order to make the Regulations consistent with the *Income Tax Act*.

Legal authority: *Canada Pension Plan*, Regulation 35

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

Unemployment Insurance

RC/R-22-L

Collection of Premiums

These amendments to the Unemployment Insurance Regulations are necessary to reflect changes in the *Unemployment Insurance Act* and jurisprudence; to coordinate the policies of this department with those of Human Resources Development Canada concerning the recording of earnings, and the determination of insurable earnings and to simplify and clarify the Regulations to achieve uniformity of interpretation.

Amendments to the Schedule to the Regulations are required to change source deduction tables for employers to reflect revised insurable earnings and

premium rates as determined in accordance with the *Unemployment Insurance Act*. The impact of revised insurable earnings and premium rates cannot be determined since these figures are not available at this time.

Legal authority: *Unemployment Insurance Act*, subsection 75(1)

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/96-23-L

Part IV, Regulation 25 - Refund of Overpayments

The Unemployment Insurance Regulations will be amended to reflect the 45-day interest-free period specified in the *Income Tax Act* within which the department must issue a refund of taxes. Since UI overpayments are included with an income tax refund, this amendment is being made in order to make the Regulations consistent with the *Income Tax Act*.

Legal authority: *Unemployment Insurance Act*, Regulation 25

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

Tax Rebate Discounting Act

RC/96-24-L

Tax Rebate Discounting Regulations - Forms

Amendments will be made to the prescribed forms set out in the Tax Rebate Discounting Regulations to reflect amendments to the *Tax Rebate Discounting Act* or to reflect the addition or deletion of administrative requirements.

The precise impact of the amendments cannot be determined at this time.

Legal authority: *Tax Rebate Discounting Act*, section 10

Contact: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

Fee Orders

RC/R-25-I

Advance Taxation Rulings Fees Order

These amendments will revise the hourly fees charged for preparing "advance rulings." The revised hourly rates will be in accordance with the government's policy of recovering costs from users of government services. Clients seeking "advance rulings" may pay higher or lower fees, depending on whether costs go up or down.

The amendments will allow the department to recover the increased cost of processing advance rulings requests. They are in keeping with the government's program of cost recovery.

Legal authority: *Financial Administration Act*, subsection 19(1)

Contact: T.R. Fowler, Resource Management Directorate, Revenue Canada, Ottawa, Ontario, K1P 5L7. Tel.: (613) 957-7341; Fax: (613) 954-4199.

RC/R-26-I

Taxation Statistical Analyses and Data Processing Services Fees Order

These amendments will revise the fees charged for special services provided by this department. The revised fees will be based on a cost recovery calculation approved by Treasury Board.

The services to be provided consist of the use of computers and related services to offer specialized analyses of taxation data, not otherwise available, to provincial governments, other public authorities, educational institutions and private consultants. The analyses provided will not contravene the confidentiality provisions of the *Income Tax Act*.

The amount of the revised fees cannot be determined at this time. The fees will be established in accordance with the government's policy of cost recovery and may cost the users more or less depending upon whether costs go up or down.

Legal authority: *Financial Administration Act*, subsection 19(1)

Contact: T.R. Fowler, Resource Management Directorate, Revenue Canada, Ottawa, Ontario, K1P 5L7. Tel.: (613) 957-7341; Fax: (613) 954-4199.

RC/R-27-I

Registered Charities Information Return Fee Order

These amendments will revise the fees charged for making photocopies of charitable organizations' returns for external users. The revised fees will be based on a cost recovery calculation approved by Treasury Board.

Revenue Canada receives requests for photocopies of charitable organizations' returns from provincial authorities, educational institutions and other interested parties. Subsection 149.1(15) of the *Income Tax Act* provides that this information may be given to the public and does not contravene the confidentiality provisions of the Act.

The amount of the revised fees cannot be determined at this time. The fees will be established in accordance with the government's policy of cost recovery and may cost the users more or less depending upon whether costs go up or down.

Legal authority: *Financial Administration Act*, subsection 19(1)

Contact: T.R. Fowler, Resource Management Directorate, Revenue Canada, Ottawa, Ontario, K1P 5L7. Tel.: (613) 957-7341; Fax: (613) 954-4199.

RC/R-28-I

Revenue Canada Taxation Technical Publication Subscription Service Fees Order

These amendments will revise the subscription fees charged for the service of automatically mailing publications issued by the department regarding income tax matters (interpretation bulletins, information circulars, income tax technical news and income tax rulings).

The amount of the revised fees cannot be determined at this time but will be in accordance with the government's policy of recovering costs from users of government services and may cost the users more or less depending upon whether costs go up or down. Fees for a one- and two-year subscription, as well as for a complete set of current publications, will be amended.

Legal authority: *Financial Administration Act*, subsection 19(1)

Contact: T.R. Fowler, Resource Management Directorate, Revenue Canada, Ottawa, Ontario, K1P 5L7. Tel.: (613) 957-7341; Fax: (613) 954-4199.

Miscellaneous

RC/R-29-L

Customs, Excise and Taxation Legislation, Regulations and Orders - Amendments

Throughout the year, the department receives representations from various interested organizations and associations regarding the regulations it administers. Their representations, as well as other initiatives to provide improvements for clients and partners, may result in amendments to the regulations.

As the economic or policy impact of such initiatives is not known, a classification with respect to future costs cannot be made at this time.

Legal authority: *Customs Act; Customs Tariff; Excise Act; Excise Tax Act; Income Tax Act; Canada Pension Plan; and Unemployment Insurance Act*

Contacts: For matters pertaining to Customs legislation (trade administration): Steve Mosher, A/Chief Policy, Projects and Systems, Trade Administration Branch, Revenue Canada, Connaught Building, 7th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6953; Fax: (613) 952-2093.

For matters pertaining to Customs legislation (border services): Tom Grace, A/Chief, Statutory Instruments Division, Commercial Operations Directorate, Revenue Canada, Connaught Building, 7th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6956; Fax: (613) 952-2093.

For matters pertaining to the *Excise Act* and *Excise Tax Act* (non-GST): D.K. Hudson, Director, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323; Fax: (613) 954-2226.

For matters pertaining to the GST: Stan Farber, Chief, Legislative Policy Division (GST), Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2074; Fax: (613) 941-5932.

For matters pertaining to the *Canada Pension Plan*, income tax and unemployment insurance legislation: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-30-L

Delegation of Minister of National Revenue's Powers and Duties

These amendments reflect changes to the titles of departmental officials following departmental reorganization, legislative changes or reconsideration of the level of administrators to whom certain powers and duties of the Minister of National Revenue are delegated.

In regard to the *Excise Tax Act*, all of the powers and duties of the Minister of National Revenue are delegated by ministerial authorization, rather than by regulations. Amendments to the ministerial authorization will be carried out as they become necessary.

In regard to the *Customs Act*, the *Canada Pension Plan*, the *Income Tax Act* and the *Unemployment Insurance Act*, the revisions are administrative in nature and, therefore, most will have minimal revenue impact. To make these other acts consistent with the *Excise Tax Act*, it is proposed to amend them and to allow the Minister's powers and duties to be delegated by ministerial authorization. If this occurs before the end of 1995, there will no longer be a need to amend the regulations relating to these acts to delegate the Minister's powers and duties.

If the respective acts are not amended, it will be necessary to revise the regulations to reflect the administrative consolidation of this department. The revisions are administrative in nature and, therefore, most will not affect the public and will have no revenue consequences. Through these instruments, the public can find out an official's level of authority.

Legal authority: *Excise Tax Act*, subsections 59(2) and 275(3); *Income Tax Act*, paragraph 221(1)(f); and *Customs Act*, section 134 and paragraph 164(1)(a)

Contacts: For matters pertaining to Customs legislation (trade administration): Steve Mosher, A/Chief Policy, Projects and Systems, Trade Administration Branch, Revenue Canada, Connaught Building, 7th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6953; Fax: (613) 952-2093.

For matters pertaining to Customs legislation (border services): Tom Grace, A/Chief, Statutory Instruments Division, Commercial Operations Directorate, Revenue Canada, Connaught Building, 7th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6956; Fax: (613) 952-2093.

For matters pertaining to the GST : Stan Farber, Chief, Legislative Policy Division (GST), Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2074; Fax: (613) 941-5932.

For matters pertaining to the *Canada Pension Plan*, income tax and unemployment insurance legislation: D.C. Burnett, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-31-L

Miscellaneous Regulatory Amendments

Amendments may be required as a result of concerns raised by the Standing Joint Committee for the Scrutiny of Regulations. The amendments will address certain legal issues as well as minor wording changes, such as the correction of discrepancies or grammatical errors.

While most such amendments have minor economic or policy impact, a classification with respect to future issues cannot be made at this time.

Legal authority: *Customs Act*; *Customs Tariff*; *Excise Act*; *Excise Tax Act*/GST; and *Income Tax Act*

Contacts: For matters pertaining to Customs legislation (trade administration: Steve Mosher, A/Chief Policy, Projects and Systems, Trade Administration Branch, Revenue Canada, Connaught Building, 7th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6953; Fax: (613) 952-2093.

For matters pertaining to Customs legislation (border services): Tom Grace, A/Chief, Statutory Instruments Division, Commercial Operations Directorate, Revenue Canada, Connaught Building, 7th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6956; Fax: (613) 952-2093.

For matters pertaining to the *Excise Act* and *Excise Tax Act* (non-GST) : D.K. Hudson, Director, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323; Fax: (613) 954-2226.

For matters pertaining to the GST: Stan Farber, Chief, Legislative Policy Division (GST), 10th Floor, 123 Slater Street, Revenue Canada, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2074; Fax: (613) 941-5932.

For matters pertaining to income tax legislation: D.C. Burnett, Senior Policy Analyst, Legislative Policy

Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2076; Fax: (613) 941-5932.

RC/R-32-L

Remissions under Customs, Excise or Taxation Legislation

Throughout the year, circumstances may prompt the Minister of National Revenue to sponsor the introduction of orders in council to remit all or part of the duties and/or taxes paid or payable under the *Customs Tariff*, the *Excise Act*, the *Excise Tax Act* and/or the *Income Tax Act*.

These orders usually have minimal revenue impact and are a means of redressing inequitable situations.

Legal authority: *Customs Tariff*, section 101; *Financial Administration Act*, subsection 23(2)

Contacts: For matters pertaining to the *Customs Tariff*: George Pike, A/Secretary, Interdepartmental Remission Committee, Trade Administration Branch, Revenue Canada, Connaught Building, 6th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5; Tel.: (613) 952-2049; Fax: (613) 952-3971.

For matters pertaining to Customs legislation: R.A. Struthers, Chief, Carrier Control, Transportation Division, Commercial Operations Directorate, Revenue Canada, Connaught Building, 5th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7198; Fax: (613) 957-9717.

For matters pertaining to the GST : Stan Farber, Chief, Legislative Policy Division (GST), Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2074; Fax: (613) 941-5932.

For matters pertaining to the *Excise Act* and *Excise Tax Act* (non-GST) : D.K. Hudson, Director, Legislative and Regulatory Affairs, Revenue Canada, Place Vanier, Tower C, 7th Floor, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-5323; Fax: (613) 954-2226.

For matters pertaining to the *Income Tax Act*: John Oulton, A/Director, Technical Publications Division, 333 River Road, Vanier, Ontario, K1P 5H2. Tel.: (613) 957-2052; Fax: (613) 954-0896.

Future initiatives

Customs Border Services Branch

Accelerated Commercial Release Operations Support System

This project will make it possible for all aspects of the reporting and release of commercial goods to take place by electronic data interchange (EDI). The program will be open to importers, customs brokers, transport companies and other importers' agents. Those who intend to sign on to Accelerated Commercial Release Operations Support System (ACROSS) will need to get a participant requirement document (PRD), which provides Customs with key information about the participant and equips the participant with technical information about the project.

The anticipated completion date of ACROSS is December 1995. A pilot version of the project is already in place, with several customs brokers as the participants.

The cargo reporting aspect of ACROSS will allow transport companies, importers, customs brokers and other importers' agents to report commercial goods by EDI before the goods actually arrive in Canada. This measure should expedite the processing of commercial goods at Canadian borders, and it will require changes to the legislation and regulations. The *Customs Act* and associated regulations must allow cargo reporting by EDI, distinguish between the date of reporting and the date of importation (which are currently the same), allow agents of the importer that are not transport companies to report cargo by EDI, and make the reporting requirements of those who choose to report by EDI flexible.

With ACROSS, importers, customs brokers and other importers' agents will be permitted to submit interim accounting by EDI, allowing Customs to release the goods without hard-copy documentation. While this procedure expedites the release of commercial goods without excessive paperwork, the *Customs Act* and related regulations must be changed to accommodate it. The *Customs Act* must make it possible to present interim accounting by EDI, for the purposes of release. Subsequent modifications to the relevant regulations will promote the use of EDI by offering flexible alternatives to submitting invoices, certificates, licences and other paperwork required by the department in order to release goods.

The ACROSS project will introduce the concept of 24-hour release by EDI, modify record-keeping requirements for importers' agents and cargo carriers, permit communication of EDI information to the United States and require the deployment of human resources.

ACROSS, like other EDI projects, will make Customs release quicker and easier. ACROSS is one more step towards the complete computerization of all Customs commercial activities, including cargo reporting, release and detailed accounting.

Classification: Intermediate-cost initiative

Contact: Gary McConnell, Chief, Release Policy, Project Management Division, Commercial Operations Directorate, Customs Border Services, Revenue Canada, 17th Floor, 191 Laurier Avenue West, Ottawa, Ontario, K1A 0L5. Tel.: (613) 957-8690; Fax: (613) 941-0869.

Customs Act (new) - Regulations

A report on a fundamental review of the *Customs Act* was completed in 1995. Subject to Cabinet approval, a new act is expected to be developed in 1996 to provide a legal framework that:

- reduces compliance burden;
- is compatible with business practices and allows for flexible program design and delivery;
- allows for effective compliance verification and enforcement; and
- includes fair and transparent sanctions and redress mechanisms.

The new act would require revised or modified regulations to effect certain of its provisions.

The task force established to conduct the Customs Act Review consulted extensively with a wide range of stakeholders. It received input through meetings, focus groups and written submissions. Further consultations and discussions are expected once the final report is released. Regulations are also expected to be ready for the hearings at the Parliamentary Committee stage of the new bill.

Classification: Low-cost initiative

Contact: Allan J. Cocksedge, Assistant Deputy Minister, Customs Border Services Branch, Revenue Canada, 4th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7220; Fax: (613) 952-6752.

Reporting of Exported Goods Regulations - Goods Exported to the United States

The United States and Canada exchange their import data to replace their export data under the terms of a memorandum of understanding (MOU). Therefore, it is no longer necessary to declare exports destined for consumption in the United States, Puerto Rico and the U.S. Virgin Islands.

Regulations to exempt exports to the U.S. from reporting requirements are needed to support the memorandum of understanding.

Classification: Low-cost initiative

Contact: Doug Waldie, Chief, Export Section, Inspection and Control Division, Commercial Operations Directorate, Revenue Canada, Connaught Building, 5th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-6986; Fax: (613) 952-1698.

Storage of Goods Regulations

The Storage of Goods Regulations outline the procedures to be followed when storing in-bond goods pending their release from, or disposal by, Revenue Canada. These regulations prescribe the time limits after which goods may be moved to a place of safekeeping and set out the applicable storage charges.

Treasury Board has requested that the department reviews the schedule of storage charges to ensure they are consistent with current operating costs.

The Department will mainly consult with the Canadian Highway Sufferance Warehouse Association to determine existing market storage rates.

Classification: Low-cost initiative

Contact: J. Kiefl, Chief, Warehouse Licensing Section, Transportation Division, Commercial Operations Directorate, Revenue Canada, Connaught Building, 5th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7193; Fax: (613) 957-9717.

Trade Administration Branch

Foreign Missions and International Organizations

With the consolidation of the *Diplomatic and Consular Privileges and Immunities Act* and the *Privileges and Immunities (International Organizations) Act* under the *Foreign Missions and International Organizations Act*, certain provisions of the *Customs Tariff* may need

amendment; several Customs regulations and orders may also require related amendments.

Consultations with Foreign Affairs and International Trade Canada and Finance Canada are required to determine what is to be amended.

Classification: Low-cost initiative

Contact: R. Dods, Manager, Unit 4B, Consumer and Industrial Products, Tariff Programs Division, Trade Administration Branch, Revenue Canada, Connaught Building, 6th Floor, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 954-7028; Fax: (613) 954-9646.

North American Free Trade Agreement - Accession of Chile

The accession of Chile to North American Free Trade Agreement (NAFTA) would expand trade opportunities for Canadian businesses. In the event that Chile joins NAFTA, a number of legislative and regulatory changes will be required. The following regulations already made pursuant to provisions of the *Customs Act* and the *Customs Tariff* would require amendment to include references to Chile:

- NAFTA Rules of Origin Regulations;
- NAFTA Temporary Admission of Conveyances or Containers (Tariff Item No. 9823.90.00) Regulations;
- NAFTA Commercial Samples of Negligible Value (Tariff Item No. 9824.00.00) Regulations;
- NAFTA Temporary Admission of Display or Demonstration Goods (Tariff Item 9823.60.00) Regulations;
- NAFTA Temporary Admission of Goods Regulations;
- NAFTA Importation of Goods Exported for Repair under Warranty (Tariff Item No. 9820.00.00) Regulations;
- NAFTA Importation of Printed Advertising Materials (Tariff Item No. 9825.00.00) Regulations;
- NAFTA Commercial Samples and Advertising Films (Tariff Items 9823.70.00 and 9823.80.00) Regulations; and
- NAFTA Tariff Items Nos. 9821.00.00 and 9822.00.00 Accounting Regulations.

Amendments to these regulations would be needed to extend the rules that apply to the current members of the Agreement to Chile, if it joined NAFTA.

Classification: Major initiative

Contact: Colleen Brock, Manager, Origin Negotiations, Trade Administration Branch, Revenue

Canada, Connaught Building, 1st Floor,
555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.
Tel.: (613) 954-6862; Fax: (613) 941-8138.

Canada/Israel Free Trade Agreement

The anticipated Canada/Israel Free Trade Agreement would expand trade opportunities for Canadian businesses. This agreement will also entail a number of legislative and regulatory measures. New regulations will be needed to deal with such matters as rules of origin, certification of origin, verification of origin, and advance rulings for Canadian importers and Israeli exporters. As well, amendments to existing regulations would affect the Exporters' and Producers' Records Regulations and the Proof of Origin of Imported Goods Regulations, both made pursuant to provisions of the *Customs Act*.

As was the case with NAFTA, new and amended regulations will be needed by both Canada and Israel to specify the rules for applying the provisions of this trade agreement. The use of non-regulatory alternatives would be impractical.

Classification: Major initiative

Contact: Colleen Brock, Manager, Origin Negotiations, Trade Administration Branch, Revenue Canada, Connaught Building, 1st Floor,
555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.
Tel.: (613) 954-6862; Fax: (613) 941-8138.

Excise Tax Act/GST

Excise Act - Review

The *Excise Act* levies excise duties on alcohol and tobacco products and places controls on their production and distribution. The Act is antiquated in many key respects and is in need of reform. Both Revenue Canada and Finance Canada are currently reviewing it.

The objectives of the review are to develop a tax structure and administration that continue to safeguard the tax revenue received from alcohol and tobacco products, and to streamline and simplify the legislation to provide a fair and modern tax structure that minimizes the impact of government tax policies on the industries affected.

The review group will consult with licensees under the Act, industry associations and other stakeholders at various stages of the review.

Classification: Low-cost initiative

Contact: F. O'Riordan, Director General, Excise Act Review, Revenue Canada, 7th Floor, Connaught Building, 555 MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel.: (613) 941-3001; Fax: (613) 941-2999.

GST Review

Since implementation of the Goods and Services Tax (GST) in 1991, Revenue Canada, in conjunction with Finance Canada, has simplified the applicable legislation and regulations. Revenue Canada has also sought opportunities to simplify compliance measures associated with the tax by reducing the administrative burden imposed on taxpayers. This effort has already resulted in significant legislative and administrative changes, including elimination of the requirement to file various forms, simplification of the processes for calculating and remitting tax, and relaxed filing requirements.

Revenue Canada will continue to play a vital role in the ongoing GST review process being undertaken by Finance Canada. This process includes a review of the current tax to make it fairer to consumers and simpler for the small business sector, and to harmonize it with provincial sales taxes. These initiatives may require additional and/or amended regulations.

Classification: Too difficult to determine now but could be a major initiative

Contact: Stan Farber, Chief, Legislative Policy Division (GST), Revenue Canada, 10th Floor,
123 Slater Street, Ottawa, Ontario, K1A 0L8.
Tel.: (613) 957-2074; Fax: (613) 954-0896.

Income Tax

Business Re-engineering

The Department has embarked on a competitive program of business process re-engineering to enhance the integrity and credibility of the revenue administration in the eyes of Canadians. Additionally, the expected efficiency and productivity enhancements will increase our capacity to respond more quickly and effectively to fiscal, legislative, technological and societal changes, and will reduce costs and burdens in the private sector.

Proposed legislative changes to support the harmonization of collection activities and the integration of accounting, both integral parts of the business re-engineering initiative, may make regulatory changes necessary.

Classification: Major initiative

Contact: William McCloskey, Director General, GST Policy and Legislation Directorate, Tower C, 10th Floor, Place Vanier, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel.: (613) 952-9198; Fax: (613) 941-4451.

Simplification

The Department continually consults with its stakeholders concerning its regulatory-type programs and administrative policies. As a result, it has reduced requirements for reporting of financial transactions by financial institutions, simplified guides and returns' and clarify information circulars and interpretation bulletins. The efforts to simplify procedures and ease compliance will continue during 1995 and subsequent years through consultations with affected parties.

The Department continually re-examines, with its stakeholders, regulations affecting the deduction of income tax, Canada Pension Plan contributions and Unemployment Insurance premiums at source as well as regulations governing the reporting of various financial transactions on information slips.

Classification: Too difficult to determine now but could be a major initiative

Contact: G.J. Murray, Senior Policy Analyst, Legislative Policy Division, Revenue Canada, 10th Floor, 123 Slater Street, Ottawa, Ontario, K1A 0L8. Tel.: (613) 957-2079; Fax: (613) 941-5932.

Solicitor General Canada

Content

Initiatives for 1996

Solicitor General Canada

Controlled Drugs and Substances Act.....183

Transfer of Offenders Act - Schedule183

National Parole Board

Bill C-45 - Amendments.....184

Corrections and Conditional Release
*Regulations - Corrections and Conditional
Release Act*184

Pardon Application Fees Regulations.....184

Regulations Resulting from the Program and
Agency Review183

Correctional Services of Canada

Administrative Segregation of Inmates.....185

Allowances to Released Offenders187

Corrections and Conditional Release
Regulations - Searches of Inmates.....186

Deductions from Inmates' Income for Room
and Board.....185

Disclosure of Information to Victims186

Disposal of Goods and Services Produced by
CORCAN.....186

Interception of Inmate Communications.....186

Time Restriction on Re-application by
Inmates for Transfer185

Urinalysis184

Royal Canadian Mounted Police

RCMP Cost Recovery Regulations.....188

RCMP Health and Safety Program.....188

RCMP Long Service Medal Regulations188

RCMP Pension Continuation Regulations188

RCMP Regulations, 1988 - Political Activity187

RCMP Regulations, 1988 - Code of Conduct187

RCMP Superannuation Regulations187

RCMP External Review Committee

Rules of Practice and Procedure -
Amendment188

Future initiatives

Royal Canadian Mounted Police

RCMP Administrative Discharge for Failure
to Meet the PARE Standard.....189

RCMP Regulations, 1988.....188

General information

Roles and responsibilities

Solicitor General Canada comprises four agencies: the Royal Canadian Mounted Police (RCMP), the National Parole Board (NPB), the Correctional Service of Canada (CSC) and the Canadian Security Intelligence Service (CSIS) and three review bodies: the RCMP External Review Committee, the RCMP Public Complaints Commission and the Inspector General of the Canadian Security Intelligence Service. The ministry also includes the Office of the Correctional Investigator and the Department, which provides advice to the Solicitor General on policing, corrections and national security, and advises on ministry policy.

The RCMP External Review Committee (ERC) is an independent body that reviews grievances, appeals of formal discipline and appeals of discharge or demotion involving regular and civilian members of the RCMP, who are excluded from the jurisdiction of the *Public Service Staff Relations Act* or the *Canada Labour Code*.

Legislative mandate

The Solicitor General administers:

- *Canadian Security Intelligence Service Act*
- *Corrections and Conditional Release Act*
- *Criminal Records Act*
- *Department of the Solicitor General Act*
- *Prisons and Reformatories Act*
- *Royal Canadian Mounted Police Act*
- *Transfer of Offenders Act*

The RCMP External Review Committee was created under Part II of the *Royal Canadian Mounted Police Act* (R.S.C. 1985, chapter R-10)

Administrative arrangements

The ministry's additional operational responsibilities are carried out under the following acts:

- *Controlled Drugs and Substances Act* (Bill C-7)
- *Diplomatic and Consular Privileges and Immunities Act*
- *Identification of Criminals Act*
- *Immigration Act*
- *Official Secrets Act*
- *Security Offences Act*

Operational responsibilities also include certain sections of the *Criminal Code* relating to electronic interception, designation of fingerprint and counterfeited examiners, and the Firearms Annual Report, which are administered by other departments. The RCMP enforces all federal statutes when they are not under the jurisdiction of another department or agency.

Initiatives for 1996

Solicitor General Canada

SGC/R-1-L

Transfer of Offenders Act - Schedule

The *Transfer of Offenders Act* enables Canada to negotiate multilateral and bilateral treaties with other countries to allow persons convicted of offences in foreign countries to serve their sentences in their home country. The Schedule of the Act lists those countries with whom Canada has concluded treaties. The amendment of the Schedule, a routine initiative, has appeared in previous regulatory plans and will continue to be undertaken each time a country ratifies a treaty with Canada respecting the *Transfer of Offenders Act*.

Few Canadians and fewer foreign nationals will be affected by the ratification of an agreement with Canada. The subsequent changes to the Schedule will ensure that all interested parties are made aware of these changes.

Legal authority: *Transfer of Offenders Act*, section 23

Contact: Mary Campbell, Corrections Branch, Solicitor General Canada, 11th Floor, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P8. Tel.: (613) 991-2810; Fax: (613) 990-8295.

SGC/94-2-I

Controlled Drugs and Substances Act

The *Controlled Drugs and Substances Act* (currently Bill C-7) consolidates and replaces the *Narcotic Control Act* and parts III and IV of the *Food and Drugs Act*. The bill provides for the fulfillment of Canada's international obligations under the Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances, and some aspects of the Convention Against the Illicit Traffic in Narcotics Drugs and Psychotropic Substances. The bill also provides for the making of enforcement-related regulations on the recommendation of the Solicitor General. The proposed regulations will provide for specialized investigative techniques, such as controlled deliveries and similar measures, to support implementation of the Act. The costs associated with the proposed regulations will add incrementally to the cost of RCMP and other police enforcement of the Act, but should be outweighed by the benefits derived from enhanced enforcement.

Legal authority: *Controlled Drugs and Substances Act*, subsection 54(2)

Contact: Ronald Dykeman, Senior Advisor, Enforcement Powers and Legislation, RCMP and Enforcement Policy Division, Police and Security Branch, Solicitor General Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P8. Tel.: (613) 990-2633.

National Parole Board

NPB/96-1-L

Regulations Resulting from the Program and Agency Review

Following the Program and Agency Review, which was carried out during the summer of 1994, the Board submitted a number of recommendations to the Minister and the Government, which approved them. As a result, the Board is developing regulations concerning quorum (sections 147 to 154 of the *Corrections and Conditional Release Act*), the time period for review following an application for full and day parole (sections 157 and 158), and cases that must be reviewed through a hearing (section 164). The Privy Council Office (Justice) will review these regulations when they are complete.

Legal authority: *Corrections and Conditional Release Act*

Contact: Chris Trowbridge, Policy Analyst, Policy, Planning and Operations Division, National Parole

Board, 340 Laurier Avenue West, Ottawa, Ontario,
K1A 0R1. Tel.: (613) 954-5912; Fax: (613) 957-3241.

NPB/96-2-L

Bill C-45 - Amendments

Regulations will be required if amendments are approved to the *Corrections and Conditional Release Act*, the *Criminal Code*, the *Criminal Records Act*, the *Prisons and Reformatories Act* and the *Transfer of Offenders Act* (Bill C-45). These amendments include subsection 160(3) of the *Corrections and Conditional Release Regulations*, which establishes the time frame within which the Board must review the case of a detained offender who receives an additional sentence which extends the date of expiration of sentence. The Board is also amending subsections 163(3) and (4) of the *Regulations*, which establish the time frame within which the Board must hold a hearing to review cases where parole was cancelled or terminated without a hearing.

Legal authority: *Corrections and Conditional Release Act*

Contact: Chris Trowbridge, Policy Analyst, Policy, Planning and Operations Division, National Parole Board, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0R1. Tel.: (613) 954-5912; Fax: (613) 957-3241.

NPB/93-1-L

Corrections and Conditional Release Regulations - *Corrections and Conditional Release Act*

The *Corrections and Conditional Release Act*, Part II, has replaced the *Parole Act*. Regulatory initiatives may be needed to ensure that the purposes and principles enunciated in the Act are implemented effectively, fairly and efficiently.

Legal authority: *Corrections and Conditional Release Act*

Contact: Chris Trowbridge, Policy Analyst, Policy, Planning and Operations Division, National Parole Board, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0R1. Tel.: (613) 954-5912; Fax: (613) 957-3241.

NPB/93-2-L

Pardon Application Fees Regulations

This initiative relates to user fees for pardon applications.

Legal authority: *Financial Administration Act*, section 19

Contact: Héliène Chevalier, Director, Professional Development and Decision Processes Division, National Parole Board, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0R1. Tel.: (613) 954-7482; Fax: (613) 941-9426.

Correctional Service of Canada

CSC/94-3-L

Urinalysis

Sections 60 to 72 of the Regulations prescribe a procedure of urine testing, known as urinalysis, for offenders under the authority of the Correctional Service of Canada. The purpose of conducting such testing is to reduce the incidence of substance abuse by both incarcerated offenders and those on conditional release in the community. The Regulations contain stringent safeguards to protect the rights of individuals who are asked to undergo testing.

The current procedure requires every urine sample collected from an offender to be sent to an outside laboratory for analysis. Laboratory fees are substantial even when a sample tests negative. These fees inflate the overall cost of administering a program in which the primary focus is on detecting substance abuse through positive test results. Moreover, inmates may not be able to participate in normal activities and programs while waiting for the results of a laboratory analysis. The usual waiting period is several days.

It is proposed to amend the Regulations to permit the use of a pre-screening procedure that would enable Service staff to conduct initial on-site tests of samples, using relatively inexpensive portable equipment. These tests would require the offender's voluntary consent. Only samples that tested positive in the pre-screening would be submitted to the laboratory for confirmatory analysis. A negative test in the pre-screening would result in no further action. An offender who tested negative would therefore not be subject to sanction and could immediately resume participation in normal activities and programs.

The technology to conduct on-site pre-screening tests is rapidly developing and, as equipment of an acceptable standard becomes available, the Service expects to realize significant cost savings and to improve the effectiveness of the urinalysis program.

Legal authority: *Corrections and Conditional Release Act, section 54 and subsection 96(m)*

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of

Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715.

CSC/96-1-L

Time Restriction on Re-application by Inmates for Transfer

Under the current regulations, when an inmate's application for transfer to another institution is refused, the inmate may re-apply for transfer immediately. The whole review procedure must be repeated, even though it is highly unlikely that any of the factors that led to the earlier refusal have changed. This results in an unproductive expenditure of staff time and can divert resources away from consideration of legitimate transfer cases.

The proposed amendment to the Regulations would establish a six-month waiting period following denial of a transfer application, unless the reviewing authority specified a shorter period. Six months is considered a reasonable time for new developments to occur in an inmate's correctional plan. The amended regulations would provide flexibility, so that an application could be reviewed earlier if circumstances warranted.

This amendment would make the review time frames for inmate transfers consistent with the provisions for unescorted temporary absences, day parole and full parole, all of which specify a minimum interval of six months following an unfavourable decision before the inmate may re-apply.

Legal authority: *Corrections and Conditional Release Act*, subsection 96(d)

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715.

CSC/95-1-L

Administrative Segregation of Inmates

It is sometimes necessary to remove inmates from the general population of a penitentiary for their own safety, the safety of other persons or the security of the penitentiary. They are held in a special controlled area of the penitentiary allowing limited or no contact with other inmates until the factors that required them to be segregated are no longer present. Segregated inmates are entitled to have their cases reviewed by a board of penitentiary officials no more than five days after they are placed in segregation and at least every 30 days thereafter. Under this procedure, the inmate

must receive notice of the review hearing at least three days before it is held, in order to have the opportunity to prepare his or her case. This three-day interval generally benefits the inmate. However, there are occasions when it means that he or she spends a longer period in segregation than might otherwise be the case, particularly when the board is likely to release the inmate back to the general population after the initial review.

To maintain this important procedural safeguard while allowing some flexibility, it is proposed that the regulations be amended to allow the inmate to waive the three-day period. This may make it possible to hold the review hearing sooner in some situations.

Legal authority: *Corrections and Conditional Release Act*, subsection 96(g)

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715.

CSC/95-3-L

Deductions from Inmates' Income for Room and Board

Current legislation allows the Correctional Service of Canada to recover a portion of inmates' room and board costs by deducting monies from the pay inmates receive through penitentiary employment. There is, however, no authority to make such deductions from income inmates may receive from outside employment or from other sources, such as pensions. Proposed amendments to the *Corrections and Conditional Release Act* will provide this authority. Regulations will be needed to specify the sources of income that will be subject to deductions for room and board and for other reasons, such as fines; the amounts of the deductions; and the manner in which the deductions are to be applied. A ceiling would be placed on the deductions, based on the amount by which the inmate's gross income exceeds the maximum rate of pay available through institutional employment. This would ensure that the inmate does not suffer financial hardship as a result of an onerous deductions scheme.

Legal authority: An enabling amendment to section 78(2) of the *Corrections and Conditional Release Act* is pending under Bill C-45

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of

Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715.

CSC/95-4-L

Disposal of Goods and Services Produced by CORCAN

Current regulations state that goods and services produced by CORCAN (the special operating agency responsible for penitentiary industries) may be "transferred, leased, loaned or provided to" government agencies, charitable organizations and purchasers on the open market. A minor amendment specifying that "provided to" includes sale and rental will remove any possible ambiguity as to the authorized means of disposal of CORCAN products.

Legal authority: *Corrections and Conditional Release Act*, subsection 96(s)

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715.

CSC/94-1-L

Disclosure of Information to Victims

Under the current Corrections and Conditional Release Regulations, the authority to disclose information to victims under section 26 of the *Corrections and Conditional Release Act* rests with Correctional Service of Canada officials who are assigned specific responsibility for liaison with victims. This designation is too narrow. The officials responsible for coordinating victim liaison services are not normally the staff who, on a day-to-day basis, are contacted by victims requesting specific information about offenders. Such staff are located in institutions and parole offices, and have immediate access to the information victims are seeking. It is therefore proposed that the authority for release of information to victims be included under the general authorization provisions of the Regulations. This would make it possible to authorize operationally appropriate staff members to disclose information to victims.

Legal authority: *Corrections and Conditional Release Act*, subsection 96(z.9)

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715.

CSC/94-7-L

Corrections and Conditional Release Regulations - Searches of Inmates

The current regulations set out the circumstances in which a staff member of the same sex as the inmate may conduct a routine strip search of the inmate for the purpose of detecting contraband or other unauthorized objects. These circumstances include the situation where an inmate is entering or returning to a penitentiary, but not that where he or she is leaving the institution.

The lack of authority to strip search an inmate leaving a penitentiary creates significant risks, particularly where the inmate is on an escorted temporary absence. It is possible for an inmate to conceal a weapon capable of being used against the escort which would be undetectable except through a strip search. It is therefore proposed to amend the Corrections and Conditional Release Regulations to correct this omission.

Legal authority: *Corrections and Conditional Release Act*, subsection 96(l)(iii)

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715.

CSC/94-4-L

Interception of Inmate Communications

The *Corrections and Conditional Release Act* gives inmates a general right to have reasonable contact with persons outside the penitentiary, subject to such reasonable limits as are prescribed for protecting the security of the penitentiary or the safety of persons.

The Corrections and Conditional Release Regulations specify the conditions in which authorization may be given for letters to and from inmates to be opened and read, or for their conversations either by telephone or during visits to be monitored. The terms of the Regulations have caused operational problems because they do not adequately take into account the differences between communications that occur within the institution, such as conversations between inmates and their visitors, and those in which one of the parties is outside the institution, as is the case with mail or telephone conversations.

Visits occur within what is deemed to be the non-private environment of the penitentiary. The ability to monitor inmate-visitor conversations is

essential because of the opportunity that they provide to arrange the smuggling of drugs or to plan other activities dangerous to the security of the institution. Not only are signs posted informing inmates and visitors that their conversations may be monitored, but a procedure is also being instituted to ensure both parties give written consent to this monitoring when applying for approval of visits. It is therefore proposed that the regulations be amended to exclude visits from the Regulations' restrictions on the interception of communications. However, visits between inmates and persons designated as enjoying a right of privilege (parliamentarians, legal counsel, etc.) would still be afforded appropriate protections.

Legal authority: *Corrections and Conditional Release Act*, subsection 96(z)(7)

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715.

CSC/94-5-L

Allowances to Released Offenders

The Corrections and Conditional Release Regulations provide for the Service to grant an allowance to offenders on temporary absence, work release, parole or statutory release to enable them to meet their basic material needs and to comply with the requirements of their release plan. The current wording, however, makes it appear that the Service is obliged to pay an allowance in all cases, even when the offender may, through wages or other income, have the means to be completely self-supporting. This was not the intent, and it is proposed that the subsection be amended to clarify that the Service will grant an allowance in proportion to the offender's ability to contribute to meeting his or her expenses.

Legal authority: *Corrections and Conditional Release Act*, subsection 96(f)

Contact: Fred Mohlmann, Project Officer, Correctional Policy and Corporate Planning, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0P9. Tel.: (613) 996-7190; Fax: (613) 943-0715.

Royal Canadian Mounted Police

RCMP/94-1-L

RCMP Regulations, 1988 - Code of Conduct

The RCMP Regulations, 1988 will be amended to provide greater specificity relating to contraventions

of the Code of Conduct, as well as to provide a more structured code of conduct.

Legal authority: *Royal Canadian Mounted Police Act*, section 38

Contact: Supt. T.J. Quigley, Internal Affairs Branch, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.
Tel.: (613) 993-2728; Fax: (613) 952-0618.

RCMP/93-9-L

RCMP Regulations, 1988 - Political Activity

The RCMP Regulations, 1988 will be amended by adding provisions that will afford members of the Royal Canadian Mounted Police the right to participate in the political process as candidates in federal, provincial and municipal elections. Under this initiative, members will be given greater freedom to participate in day-to-day activities of political parties.

Legal authority: *Royal Canadian Mounted Police Act*, section 38

Contact: Supt. T.J. Quigley, Internal Affairs Branch, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.
Tel.: (613) 993-2728; Fax: (613) 952-0618.

RCMP/95-3-L

RCMP Superannuation Regulations

The RCMP plans to amend the RCMP Superannuation Regulations to add provisions for recovering excess benefits paid to annuitants. Similar amendments will be made to the RCMP Pension Continuation Regulations. Amendments will also be made to permit contributors, upon their return from a period of leave without pay, to contribute an amount to the Superannuation Account relative to the period of leave. In addition, amendments related to medical procedures will be made to the RCMP Superannuation Regulations. These amendments will allow the RCMP Superannuation Regulations to conform with other federal superannuation regulations.

Legal authority: *RCMP Superannuation Act*, section 26

Contact: Insp. K.M. Mole, Compensation Policy and Systems Section, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.
Tel.: (613) 993-1418; Fax: (613) 993-0795.

RCMP/95-4-L

RCMP Pension Continuation Regulations

The RCMP plans to amend the RCMP Pension Continuation Regulations to add provisions for recovering excess benefits paid to annuitants. These amendments will allow the RCMP Pension Continuation Regulations to conform to other federal superannuation regulations. These amendments are similar to those that will be made to the RCMP Superannuation Regulations.

Legal authority: *RCMP Pension Continuation Act*, section 20.1

Contact: Insp. K.M. Mole, Compensation Policy and Systems Section, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.
Tel.: (613) 993-1418; Fax: (613) 993-0795.

RCMP/95-5-L

RCMP Long Service Medal Regulations

Members of the RCMP may be awarded a medal or clasp in recognition of long service and good conduct in the Force. The RCMP intends to amend the RCMP Long Service Medal Regulations to conform with the *RCMP Act* and RCMP Regulations, 1988, and to introduce a clasp in recognition of 40 years of service.

Legal authority: Royal Warrant signed by King George V, March 6, 1934

Contact: Joan Proulx, Honours and Protocol Section, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.
Tel.: (613) 993-3582; Fax: (613) 993-0795.

RCMP/95-6-L

RCMP Cost Recovery Regulations

The RCMP will seek to amend several user-fee regulations to specify groups to be exempted, such as volunteers. The RCMP will also pursue an amendment to the Canadian Police College User Fee Regulation to change the basis of determining user fees to give the RCMP flexibility to change courses.

Legal authority: *Financial Administration Act*, section 19

Contact: C. Costain, Directorate of Corporate Services, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.
Tel.: (613) 993-3620; Fax: (613) 993-4453.

RCMP/96-1-L

RCMP Health and Safety Program

As a result of legislative hearings for Bill C-58, the RCMP has made a commitment to provide members with a program of health and safety consistent with that presently provided under Part II of the *Canada Labour Code*. The proposed RCMP Regulation 86.1 will embody that commitment.

Legal authority: *Royal Canadian Mounted Police Act*, section 21(1)

Contact: Alfred Cayer, Chief, Environmental Health and Safety, Health Services Directorate, Royal Canadian Mounted Police, 1200 Parkway Vanier, Ottawa, Ontario, K1A 0R2. Tel.: (613) 993-3559; Fax: (613) 993-0934.

RCMP External Review Committee

ERC/90-497-L

Rules of Practice and Procedure - Amendment

This initiative will clarify the Rules in light of concerns about their precision raised during the statutory review process. It should make the Rules easier for users to understand. It will also make a few minor changes to promote efficiency and economy and to further facilitate the review process.

Legal authority: *Royal Canadian Mounted Police Act*, section 29

Contact: Bernard Cloutier, Executive Director, RCMP External Review Committee, Room 513, 60 Queen Street, P.O. Box 1159, Station B, Ottawa, Ontario, K1P 5R2. Tel.: (613) 990-1860; Fax: (613) 990-8969.

Future initiatives

Royal Canadian Mounted Police

RCMP Regulations, 1988

The RCMP Regulations, 1988 were introduced in June 1988, in conjunction with the proclamation of substantial amendments to the *RCMP Act*. These regulations are used for the management of the RCMP and must be amended on an ongoing basis to reflect the ever-changing needs of the RCMP. The initiatives being developed relate to the discharge of members, the resignation of members and the reinstatement of suspended members. The reorganization of the RCMP may require further amendments relating to the

administration of the Force. The services the RCMP provides to foreign law enforcement agencies will also require some amendments to these regulations.

Classification: Low-cost initiative

Contact: Supt. T.J. Quigley, Internal Affairs Branch, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.
Tel.: (613) 993-2728; Fax: (613) 952-0618.

RCMP Administrative Discharge for Failure to Meet the PARE Standard

As a result of the Senior Executive Committee's decision on May 30, 1995, concerning the physical ability requirement evaluation (PARE), a new section (J) must be added to Regulation 19. This amendment will serve as a basis for administrative discharge policy and procedures to be in place by the year 2000 for those regular members who fail to meet the PARE standard when required to do so.

Classification: Low-cost initiative

Contact: Jean Bonneau, Chief Fitness and Lifestyle, Health Services Directorate, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2. Tel.: (613) 993-3560; Fax: (613) 993-0934.

Transport Canada

Content

Initiatives for 1996

Departmental Administration

Finance (Fees and Charges)

Air Services Charges Regulations and Overflight Charges Regulations	193
Aviation Regulatory Services - Fees	193
Coast Guard Radio Station Charges	193
Marine Regulatory Services - Consolidation of Fees	194
Marine Regulatory Services - Fees	193
Marine Services - Fees	194
Public Harbours and Government Wharves Regulations - Tariff Rates	194

Security and Emergency Planning Group

Aerodrome Security Regulations	195
Air Carrier Security Regulations	195
Marine Transportation Security Regulations	195
Railway Security Regulations	194

Policy and Coordination Group

Regulations Respecting Data Requirements	196
--	-----

Airports Group

Airport Ground Transportation Fees Regulations	197
Airport Traffic Regulations - Administrative Amendments	198
Airport Vehicle Parking Charges Regulations - Fee Changes	197
Government Airport Concession Operations Regulations (GACORs)	198

Aviation Group

Airport Zoning Regulations	202
Canadian Aviation Regulations (CARs), Part VIII - Air Navigation Services	200
Canadian Aviation Regulations (CARs), Subpart 303 - Aircraft Firefighting	200

Canadian Aviation Regulations (CARs), Part III - Aerodromes and Airports	200
---	-----

Canadian Aviation Regulations (CARs), Part II - Identification, Registration and Leasing of Aircraft Regulations	199
--	-----

Canadian Aviation Regulations (CARs), Part I - General Provisions	199
--	-----

Canadian Aviation Regulations (CARs), Part V - Airworthiness	202
---	-----

Canadian Aviation Regulations (CARs), Part IV - Personnel Licensing and Training	202
---	-----

Canadian Aviation Regulations (CARs), Part VII - Commercial Air Services	201
---	-----

Canadian Aviation Regulations (CARs), Part VI - General Operating and Flight Rules	201
--	-----

Marine Group

Canadian Coast Guard

Arctic Shipping Pollution Prevention Regulations	205
Boat and Fire Drill Regulations - International Convention	206
Collision Regulations - International Convention	206
Life-Saving Equipment Regulations	205
Ship Station Technical Regulations - VHF	205
Small Fishing Vessel Safety Regulations	205
Tackle Regulations	206

Canadian Coast Guard - Fisheries and Oceans

Boating Restriction Regulations	206
Small Vessel Regulations - Various Amendments	207

Pilotage Authorities

Atlantic Pilotage Tariff Regulations	207
General Pilotage Regulations	208
Laurentian Pilotage Authority Regulations	207
Pacific Pilotage Regulations	208

Pacific Pilotage Regulations - Reciprocal Exemptions.....	208
Pacific Pilotage Tariff Regulations	208
<u>St. Lawrence Seaway Authority</u>	
Seaway Regulations	209
<u>Surface Group</u>	
Railway Safety	
Orders - Revocation	209
Rail-Highway Grade Crossing Regulations	209
Railway Fencing Regulations	209
Road Safety and Motor Vehicle Regulation	
Motor Vehicle Restraint Systems Safety Regulations.....	213
Motor Vehicle Safety Regulations, Standard 135: Passenger Car Brake Systems	211
Motor Vehicle Safety Regulations, Standard 905: Heavy Trailer Cargo Anchoring Devices	212
Motor Vehicle Safety Regulations, Standards 105 and 121: Hydraulic and Air Brake Systems (Antilock Brake Systems)	210
Motor Vehicle Safety Regulations, Standards 105 and 121: Hydraulic and Air Brake Systems (Automatic Brake Adjusters)	214
Motor Vehicle Safety Regulations, Standard 214: Side Door Strength (Extension of Applicability)	213
Motor Vehicle Safety Regulations, Standard 208: Occupant Crash Protection	212
Motor Vehicle Safety Regulations, Standards 108: Lighting Equipment; 108.1: Headlamps; 123: Controls and Displays - Motorcycles; 131: School Bus Pedestrian Safety Devices; and 1201: Snowmobile Standards.....	210
Transportation of Dangerous Goods	
Transportation of Dangerous Goods Regulations - Omnibus.....	215
Transportation of Dangerous Goods Regulations - Updating Cylinder Standards.....	215
Transportation of Dangerous Goods Regulations - Updating Tank Standards.....	214

Future initiatives

Policy and Coordination Group

Bus Accessibility Regulations.....	215
------------------------------------	-----

Airports Group

Airport Operations Regulations - Airside.....	216
---	-----

Aviation Group

Aviation Occupational Safety and Health Regulations.....	216
--	-----

Surface Group

Road Safety and Motor Vehicle Regulation

Motor Vehicle Safety Regulations, Standard 210: Seat Belt Assembly Anchorages.....	217
Motor Vehicle Safety Regulations, Standard 210.1: Tether Anchorages	219
Motor Vehicle Safety Regulations, Standard 1106: Noise	219
Motor Vehicle Safety Regulations, Standard 223: Rear Impact Guards.....	219
Motor Vehicle Safety Regulations, Standard 214: Side Door Strength (Dynamic Test).....	217
Motor Vehicle Safety Regulations, Standard 111: Rearview Mirrors.....	218
Motor Vehicle Safety Regulations, Standard 108: Lighting Equipment	218
Motor Vehicle Safety Regulations, Standard 207: Anchorage of Seats.....	219
Motor Vehicle Safety Regulations - Certification of Incomplete Vehicles	219
Motor Vehicle Safety Regulations - Vehicle Overloading	217
Transportation of Dangerous Goods	
Transportation of Dangerous Goods Regulations - Explosives Transport.....	220
Transportation of Dangerous Goods Regulations - IMDG Clarification.....	220

General information

Roles and responsibilities

Transport Canada carries out its role through a complex structure which includes a headquarters and four operating groups – Marine, Aviation, Airports and Surface Transportation – as well as a number of Crown corporations and agencies with varying degrees of autonomy. Because the nature of the department's operations and activities are dynamic, Transport Canada's regulatory activity is the largest and most complex among government departments.

The Policy and Coordination Group conducts substantive studies of the national transportation system in all its complexities and works with departmental components, the regulatory agency, and federal and provincial departments, as well as carriers and users of the transportation system, to revise and update legislation to reflect current Canadian realities.

The major regulation-making activities of the department result from aviation, airports, marine and surface organization responsibilities to provide and operate transportation facilities and services and to ensure compliance with operating or manufacturing standards and regulations. An important continuing aspect of these responsibilities is to ensure that the national transportation system meets the highest practicable safety standards.

Departmental components administer a multitude of charges, tariffs and fees. Most of these are subject to ongoing review and revision to reflect the impact of inflation as well as such factors as changes in operating or administrative costs or the impact of changes in collective agreements.

The 1996 *Federal Regulatory Plan* is structured to reflect the organizational framework of the department. It recognizes differences in responsibilities, activities, enabling legislation and the segment of the transportation industry served.

The provision of certain ferry services is also part of the Minister's mandate. As well, the Crown corporation provisions of the *Financial Administration Act* have a significant impact on the interactions between CN, Marine Atlantic Inc., VIA Rail, the Canada Ports Corporation, other Crown corporations and the departmental administration.

The Minister is either the sole shareholder or the designated minister responsible to Parliament for the following Crown corporations:

- Canada Ports Corporation and Local Port Corporations (7)
- Canadian National
- Marine Atlantic Inc.
- Pilotage authorities (4)
- St. Lawrence Seaway Authority
- VIA Rail Canada

Legislative mandate

The major statutes under the jurisdiction of the Minister of Transport are the following:

- *Aeronautics Act*
- *Airport Transfer (Miscellaneous Matters) Act*
- *Arctic Waters Pollution Prevention Act*
- *Atlantic Region Freight Assistance Act*
- *Blue Water Bridge Authority Act*
- *Buffalo and Fort Erie Public Bridge Company Act*
- *Canada Ports Corporation Act*
- *Canada Shipping Act*
- *Canadian National Railways Act*
- *Carriage by Air Act*
- *Carriage of Goods by Water Act*
- *CN Commercialization Act*
- *Coasting Trade Act*
- *Department of Transport Act*
- *Government Railways Act*
- *Hamilton Harbour Commissioners Act*
- *Harbour Commissions Act*
- *Marine Atlantic Inc. Acquisition Act*
- *Marine Insurance Act*
- *Marine Transportation Security Act*
- *Maritime Code Act*
- *Maritime Freight Rates Act*
- *Motor Vehicle Fuel Consumption Standards Act*
- *Motor Vehicle Safety Act*
- *Motor Vehicle Transport Act, 1987*
- *National Transportation Act, 1987*
- *Navigable Waters Protection Act*
- *Non-Smokers' Health Act*
- *Pilotage Act*
- *Public Harbours and Port Facilities Act*
- *Railway Act*
- *Railway Safety Act*
- *Railway Relocation and Crossing Act*
- *Safe Containers Convention Act*
- *St. Lawrence Seaway Authority Act*
- *Shipping Conferences Exemption Act, 1987*
- *Toronto Harbour Commissioners Act*
- *Transportation of Dangerous Goods Act, 1992*

Administrative arrangements

- *Bills of Lading Act*
- *Excise Tax Act*
- *Government Property Traffic Act*
- *National Energy Board Act*

Initiatives for 1996

Departmental Administration

Finance (Fees and Charges)

TC/R-1-M

Aviation Regulatory Services - Fees

Section 820 of the Air Regulations prescribes fees for aviation regulatory services that Transport Canada provides to aircraft manufacturers, aircraft owners and operators, as well as individuals active in the aviation sector.

The department reviews these fees periodically and may adjust them. It may introduce some new fees.

The levels of any increases and new fees, and the resulting increased cost for users of these services, are not known at this time. However, the department will consult users concerning any proposed changes to the fees. Consultations include the mailing of information packages to all national and regional organizations as well as consultation meetings, on request. In addition, the regulatory amendments are published in Part I of the *Canada Gazette*.

Legal authority: *Aeronautics Act*, subsection 4.4(2)

Contact: Dan Cogliati, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5.
Tel.: (613) 993-5769; Fax: (613) 990-6009.

TC/R-2-M

Marine Regulatory Services - Fees

Transport Canada provides marine regulatory services to shipowners and operators, shipbuilders and personnel active in the marine sector. The regulatory services include inspection and certification of ships, port warden inspections, ship tonnage surveys, ship registration and certification of personnel. Fees for these services are stipulated under a number of regulations.

The department reviews these fees periodically. It may introduce some new fees.

The levels of any increases and new fees, and the resulting increased cost to users of these services, are not known at this time. However, the department will consult users concerning any proposed changes to the fees. Consultations include the mailing of information packages to all national and regional organizations as well as consultation meetings, on request. In addition, the regulatory amendments are published in Part I of the *Canada Gazette*.

Legal authority: *Canada Shipping Act*

Contact: Dan Cogliati, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5.
Tel.: (613) 993-5769; Fax: (613) 990-6009.

TC/R-3-M

Air Services Charges Regulations and Overflight Charges Regulations

The Air Services Charges Regulations and the Overflight Charges Regulations set the charges for airport and en route services that Transport Canada provides to aircraft owners and operators.

The department reviews these fees periodically and may adjust them. It may introduce some new fees.

The levels of any increases and new fees, and the resulting increased cost to aircraft owners and operators, are not known at this time. However, the department will consult users concerning any proposed changes to the fees. Consultations include the mailing of information packages to all national and regional organizations as well as consultation meetings, on request. In addition, the regulatory amendments are published in Part I of the *Canada Gazette*.

Legal authority: *Aeronautics Act*, subsection 4.4(2)

Contact: Dan Cogliati, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5.
Tel.: (613) 993-5769; Fax: (613) 990-6009.

TC/R-4-I

Coast Guard Radio Station Charges

The Coast Guard Radio Station Communications Charges Order, 1994 prescribes the charges payable for maritime radiotelephone and radiotelegram services provided by Transport Canada's network of radio stations to link ships at sea with land-based

communications systems such as telephone and telex. These charges apply only to the transmission of private messages, and not to safety-related communications.

The department reviews these fees periodically and may adjust them.

The levels of any increases, and the resulting increased cost to users of these services, are not known at this time. However, the department will consult users concerning any proposed changes to the fees. Consultations include the mailing of information packages to all national and regional organizations as well as consultation meetings, on request. In addition, the regulatory amendments are published in Part I of the *Canada Gazette*.

Legal authority: *Financial Administration Act*, section 19

Contact: Dan Cogliati, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 993-5769; Fax: (613) 990-6009.

TC/R-5-L

Public Harbours and Government Wharves Regulations - Tariff Rates

Amendments to these regulations will increase tariff rates to maintain the financial position of public harbours. Amendments are also necessary to reflect operational requirements.

Some new tariffs may be introduced.

Minimal impact is expected from these increases. The department will fully consult users and carefully consider their comments before making any decision on the increase to these fees.

Legal authority: *Public Harbours and Port Facilities Act*, section 12

Contact: Brenda Baird, Director, Program Management Directorate, Harbours and Ports Branch, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 990-0624; Fax: (613) 954-0838.

TC/96-1-M

Marine Services - Fees

Several services provided by the Canadian Coast Guard - such as aids to navigation, sounding and dredging or icebreaking - are essentially free of

charge. Fees for some of these services may be implemented. The structure and levels of these fees are not known at this time. However, the department intends to consult users about any proposal to implement new fees. Consultations include the mailing of information packages to all national and regional organizations as well as consultation meetings, on request. In addition, the regulatory amendments are published in Part I of the *Canada Gazette*.

Legal authority: *Financial Administration Act*

Contact: Dan Cogliati, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 993-5769; Fax: (613) 990-6009.

TC/95-5-L

Marine Regulatory Services - Consolidation of Fees

Fees for marine regulatory services are prescribed under an array of different regulations. The consolidation of these fees was recommended in the 1992 Marine Regulatory Review Report as a way to reduce the administrative burden associated with multiple regulations. It would simplify and accelerate the regulatory process required to make amendments to the fees.

Legal authority: *Canada Shipping Act*

Contact: Dan Cogliati, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 993-5769; Fax: (613) 990-6009.

Security and Emergency Planning Group

TC/93-5-I

Railway Security Regulations

This initiative is intended to enhance the safety and security of the rail transportation system.

These regulations will authorize the Minister of Transport to prescribe security measures to be carried out by railway companies under normal and enhanced levels of threat. The Regulations and prescribed security measures should not result in significant additional costs to the industry under normal threat levels. Additional costs under enhanced threat conditions will depend on the nature and duration of

the threats at hand. Costs to government will be those associated with monitoring and enforcing the Regulations.

The department and industry will work together, using existing consultative mechanisms, to develop the regulatory requirements.

Legal authority: *Railway Safety Act*, subsection 39(2)

Contact: Hal H. Whiteman, Director, Security Policy, Planning and Legislative Programs Branch, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-9619; Fax: (613) 996-6381.

TC/93-6-I

Aerodrome Security Regulations

The Aerodrome Security Regulations were promulgated in August 1987 and are the first regulations to govern security at airports in a comprehensive fashion. The department has initiated a review of the Regulations and has determined that amendments are required to address issues that have arisen since their promulgation. Costs to industry (and to government, in the case of Transport Canada airports) will be determined as proposals for amendment are developed. Other costs to government will be those associated with monitoring and enforcing these regulations.

The department and industry will work together using existing consultative mechanisms, to develop the regulatory requirements.

Legal authority: *Aeronautics Act*, subsection 4.7(2)

Contact: Hal H. Whiteman, Director, Security Policy, Planning and Legislative Programs Branch, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-9619; Fax: (613) 996-6381.

TC/93-7-I

Air Carrier Security Regulations

The Air Carrier Security Regulations were promulgated in December 1987 and are the first regulations to govern air carrier security in a comprehensive fashion. The department has initiated a review of the Regulations and has determined that amendments are required to address issues that have arisen since their promulgation. Costs to industry will be determined as proposals for amendment are developed. Costs to government will be those

associated with monitoring and enforcing these regulations.

The department and industry will work together, using existing consultative mechanisms, to develop the regulatory requirements.

Legal authority: *Aeronautics Act*, subsection 4.7(2)

Contact: Hal H. Whiteman, Director, Security Policy, Planning and Legislative Programs Branch, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-9619; Fax: (613) 996-6381.

TC/95-9-I

Marine Transportation Security Regulations

This initiative is intended to enhance the safety and security of the marine transportation system. The *Marine Transportation Security Act* provides the Governor in Council with the authority to make regulations and the Minister of Transport with the authority to formulate security measures and approve industry rules designed to: protect passengers, crew, goods, cargo, vessels, ports and other marine facilities; prevent unlawful interference with marine navigation; and ensure that appropriate action is taken where that interference occurs or is likely to occur.

Regulatory requirements should not result in significant additional costs to the marine industry that currently complies with existing international voluntary standards. Most costs will be opportunity costs associated with contingency planning, training and conducting security exercises. Additional costs under elevated threat conditions will depend on the nature and duration of the threats at hand.

Costs to government will be those associated with monitoring and enforcing the regulations, measures and rules. The department and industry will work together, using existing consultative mechanisms, to develop the regulatory requirements.

Legal authority: *Marine Transportation Security Act*, section 5

Contact: Hal H. Whiteman, Director, Security Policy, Planning and Legislative Programs Branch, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-9619; Fax: (613) 996-6381.

Policy and Coordination Group

Report on the 1995 Marine Policy Review

As part of Transport Canada's new direction for Canadian transportation, the marine policy review is one of the major initiatives that will contribute to improving the transportation system, help meet the challenge of increasing Canada's competitiveness and take Canadian transportation into the 21st century.

Transport Canada is commercializing many of its operational activities, overhauling marine transportation policy, streamlining regulations, reducing subsidies, rationalizing infrastructure and cutting overhead expenditures.

At the request of the Minister of Transport, the Standing Committee on Transport prepared a report that includes 33 valuable recommendations for improving our marine system. The committee review entailed extensive meetings with numerous stakeholders in the marine sector. The Committee heard from provincial governments, shippers and the marine industry. The objectives of the review were to identify key competitive challenges; define essential federal roles and services; develop options to reduce subsidies and examine commercialization; obtain regional views on priorities, issues and solutions; and try to encourage consensus on solutions, future directions and development of a comprehensive national marine strategy. The Minister had suggested that various sectors be examined, such as the Canadian ports system, pilotage services, the St. Lawrence Seaway and the Canadian Coast Guard.

Following tabling of the report in the House of Commons, Transport Canada consulted with shippers and industry representatives at meetings in Saint John, Quebec City, St. Catharines, Winnipeg and Vancouver. The department will continue to consult extensively until a new national marine policy is unveiled in the fall of 1995.

This new national marine policy may result in changes affecting various pieces of legislation under the jurisdiction of the Minister of Transport, such as the *Pilotage Act*, the *Canada Shipping Act*, the *St. Lawrence Seaway Authority Act*, the *Harbour Commissions Act*, the *Public Harbours and Port Facilities Act* and the *Canada Ports Act*. As a result of this new policy, some Crown corporations could be replaced by not-for-profit or full cost recovery basis agencies, which may entail changes to the legislative provisions.

For further information on the above, contact Bruce Bowie, Director, Marine Policy, Place de Ville,

Tower C, 330 Sparks Street, Ottawa, Ontario,
K1A 0N5. Tel.: (613) 998-0702; Fax: (613) 998-1845.

TC/96-2-L

Regulations Respecting Data Requirements

Regulations are required to carry out provisions of the proposed *Canada Transportation Act*, Bill C-101, pertaining to information requirements. Currently, the Minister of Transport receives minimum information on air, rail and motor vehicle activities; information received to date on the marine mode has not always been sufficient to enable pertinent studies to be undertaken and to support policy decisions.

Under the proposed act, the Minister could make a regulation requiring transportation organizations under federal jurisdiction to supply financial and operating data on an ongoing basis. Data is required to ensure effective monitoring of trends and to allow the department to make timely responses to changes or developments in the industry, to adequately support the Minister's responsibility for national transportation policy.

Industry representatives have been consulted and are aware of the proposed information requirements. The Standing Committee on Transport is also expected to review Bill C-101 – perhaps as early as fall 1995 – which will provide an opportunity for interested parties to make representations.

Legal authority: *Canada Transportation Act*, subsection 51(1) (proposed legislation)

Contact: Clyde McElman, Senior Policy Advisor, Rail Policy and Programs Branch, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-4563; Fax: (613) 990-5812.

Canada Ports Corporation

Canada Ports Corporation (CPC) is in a transitional phase in response to the marine policy review announced by the Minister of Transport. As a result, CPC does not foresee undertaking any new regulatory initiatives during 1996.

The individual local port corporations, however, may undertake regulatory initiatives to address specific issues. For instance, in 1996, the Vancouver Port Corporation intends to: make simple amendments to the "tenders and works" and "operating" by-laws; introduce new "operating" and "contracting" by-laws; and amend the administrative by-law.

To determine whether local port corporations plan to initiate regulatory actions to deal with items of local interest or concern, readers may wish to contact the organizations directly, as indicated below:

Nicole Sauvé, Vice-President, Legal Services, Canada Ports Corporation, 99 Metcalfe Street, Ottawa, Ontario, K1A 0N6. Tel.: (613) 957-6723; Fax: (613) 957-6705.

David Bellefontaine, President and Chief Executive Officer, Halifax Port Corporation, 1215 Marginal Road, P.O. Box 336, Halifax, Nova Scotia, B3J 2P6. Tel.: (902) 426-3643; Fax: (902) 426-9277.

Dominic J. Taddoe, President and Chief Executive Officer, Montreal Port Corporation, Port of Montreal Building, Cité du Havre, Wing No. 1, Montreal, Quebec, H3C 3R5. Tel.: (514) 283-7042; Fax: (514) 283-7019.

Ross Gaudreault, President and Chief Executive Officer, Port of Quebec Corporation, 150 Dalhousie Street, P.O. Box 2268, Quebec, Quebec, G1K 7P7. Tel.: (418) 648-3558; Fax: (418) 648-4160.

Don Krusel, General Manager and Chief Executive Officer, Prince Rupert Port Corporation, 110 Third Avenue West, Prince Rupert, British Columbia, V8J 1K8. Tel.: (604) 627-7545; Fax: (604) 627-7101.

Ken R. Krauter, General Manager and Chief Executive Officer, Saint John Port Corporation, 133 Prince William Street, P.O. Box 6429, Station A, Saint John, New Brunswick, E2L 4R8. Tel.: (506) 636-4869; Fax: (506) 636-4443.

David J. Fox, Port Manager and Chief Executive Officer, St. John's Port Corporation, 3 Water Street, P.O. Box 6178, St. John's, Newfoundland, A1C 5X8. Tel.: (709) 772-4582; Fax: (709) 772-4689.

Capt. Norman C. Stark, President and Chief Executive Officer, Vancouver Port Corporation, Suite 1900, 200 Granville Street, Vancouver, British Columbia, V6C 2P9. Tel.: (604) 666-8966; Fax: (604) 666-8916.

Airports Group

TC/R-6-I

Airport Vehicle Parking Charges Regulations - Fee Changes

The Airport Vehicle Parking Charges Regulations prescribe the fees to be charged for public vehicle parking at certain Transport Canada airports. Amendments will be proposed on an annual basis to implement new charges, to adjust existing charges to

conditions at specific locations or to adjust rates to changes in government policy.

The parking charges generally reflect those currently charged at similar parking facilities in the area served by the airport. These amendments will result in a net increase in revenue at applicable airports. Increases in revenues will help recover the costs for providing parking facilities. Any residual will contribute to the overall cost of operating the airport.

The travelling public is the major user of vehicle parking facilities at airports. It is not practical to consult with all potential users of parking facilities at those Transport Canada airports for which a change in rates is proposed, as most users do not belong to one identifiable group. Therefore the 30-day prepublication period in Part I of the *Canada Gazette* will be used as the method of consultation.

Legal authority: *Aeronautics Act*, subsection 4.4(2)

Contact: Anne Gravelle, Product Analyst, Air Terminal Complex, Business Management Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 998-5162; Fax: (613) 990-8889.

TC/R-7-I

Airport Ground Transportation Fees Regulations

The Airport Ground Transportation Fees Regulations prescribe the fees to be charged for the privilege of providing a ground transportation service at a particular airport. The last amendment was published in Part II of the *Canada Gazette* on April 19, 1995.

Amendments will have a minimal impact on the public at large but may affect some of the operators who provide transportation services.

Although it is not known in advance which permit fees at which airports will require changes, it is expected that an amendment to the Regulations will be required each year. The requirement for amendments is dictated by varying local situations. There could be a need to introduce, change or delete fees charged to ground transportation operators, depending on the situation at a particular airport.

The amendments may result in the recovery of a greater proportion of costs incurred by the department in providing ground transportation facilities, may more equitably distribute the costs among the operators at an airport, or may indicate a change in authorizing commercial activity, but result

in no increase in revenue to the department. The department would consult with the affected operators on any fee changes.

Legal authority: *Aeronautics Act*, subsection 4.4(2); Ministerial Regulations Authorization Order, section 2

Contact: Connie Cochrane, Product Analyst, Air Terminal Complex, Business Management Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-3687; Fax: (613) 990-8889.

TC/95-27-L

Government Airport Concession Operations Regulations (GACORs)

The Government Airport Concession Operations Regulations (GACORs) state that any person conducting a business at an airport requires a permit, lease, licence or other arrangement. However, there is an exception to this principle. Operators of some commercial passenger vehicles may pick up passengers without a licence at certain airports that are identified in a schedule attached to the GACORs, providing that arrangements for the pick-up were made before the vehicle arrived at the airport. The airports or vehicles on this schedule may change and the requirement for amendments is dictated by varying local situations.

An amendment may result in additional revenue for the airport, may create a more level playing field for operators of commercial passenger vehicles or may improve the management of the ground transportation system at the airport.

The economic impact on the operators resulting from a change in the schedule will be determined by the level of fees paid by these operators. Consultation with affected operators is difficult as most may not belong to one identifiable group. Therefore the 30-day prepublication period in Part I of the *Canada Gazette* would be used as the method of consultation.

Legal authority: *Department of Transport Act*, sections 16 and 17

Contact: Catherine Major, Director, Air Terminal Building Complex, Business Management Directorate, Transport Canada, Place de Ville, Tower C, Ottawa, Ontario, K1A 0N8. Tel.: (613) 993-5442; Fax: (613) 990-8889.

TC/92-21-L

Airport Traffic Regulations - Administrative Amendments

The Airport Traffic Regulations provide direction for the operation and control of motor vehicles, aircraft and equipment; the movement of pedestrians; the control of domestic animals; and related activities at airports.

As a result of an administrative evaluation and review of airport traffic requirements, Transport Canada has identified the need for a number of amendments to permit it to effectively enforce the Regulations.

There are no revenue increases or direct cost increases associated with these regulatory amendments.

Legal authority: *Government Property Traffic Act*; *Department of Transport Act*

Contact: Richard J. Liberty, Chief, Airside Operations, Safety and Technical Services Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-1418; Fax: (613) 957-4260.

Aviation Group

Transport Canada Aviation is updating and streamlining the aviation safety regulations. The existing Air Regulations, Air Navigation Orders and Air Regulations Series are being replaced by the Canadian Aviation Regulations (CARs). The CARs are Transport Canada Aviation's response to: the federal government's regulatory review; recommendations of the Commission of Inquiry into the Air Ontario Crash at Dryden, Ontario; recommendations of the Transportation Safety Board; internal studies designed to meet the needs of the aviation community; and the requirement to maintain or enhance aviation safety in Canada.

The structure of the CARs has been simplified to make regulatory materials more user-friendly. The CARs incorporate by reference departmental standards for the licensing and certification of aviation personnel and enterprises.

The department has conducted extensive consultations on the CARs and accompanying standards through the Canadian Aviation Regulation Advisory Council (CARAC). Actively participating members of the Personnel Licensing Committee, the Airworthiness Committee, the General Operating and Flight Rules Committee and the Commercial Air Services Committee include: the Advisory Committee

on Accessible Transportation, the Aerospace Industries Association of Canada, Air B.C., Air Canada, the Air Operations Group Association, the Air Transport Association of Canada, *Association québécoise des transporteurs aériens inc.*, the Canadian Air Line Pilots Association, the Canadian Air Line Dispatchers' Association, the Canadian Air Traffic Controllers Association, Canadian Airlines International Ltd., the Canadian Association of Professional Radio Operators, the Canadian Auto Workers, the Canadian Balloon Association, the Canadian Business Aircraft Association, the Canadian Labour Congress, the Canadian Owners and Pilots Association, the Canadian Union of Public Employees, the Experimental Aircraft Association - Canadian Council, the Hang Gliding and Paragliding Association of Canada, the Soaring Association of Canada and the Teamsters.

Notice of Transport Canada Aviation's intent to make the CARs will be published in Part I of the *Canada Gazette* to complete the consultation process.

TC/96-3-L

Canadian Aviation Regulations (CARs), Part I - General Provisions

Part I of the Canadian Aviation Regulations (CARs) (general provisions) contains administrative provisions of general application to all parts of the CARs. These regulations incorporate definitions currently found in the Air Regulations and the Air Navigation Orders, the Minister's order-making powers, the consultation requirements for standards, the Canadian Aviation Documents Regulations (Air Regulations Series I, No. 2), the Designated Provisions Regulations (Air Regulations Series I, No. 3), and the Aircraft Marking and Registration Charges Regulations (Air Regulations Series II, No. 4). The current Designated Provisions Regulations have been revised to reflect changes made as a result of the CARs. Subpart 103 (administration and compliance) contains new rules regarding the preservation and return of evidence or aircraft. Subpart 104 contains charges for regulatory services.

There will be only a minor economic impact and no social costs related to these regulations. They are essentially administrative in nature. At the same time, Part I of the CARs provides for easier reference to provisions that apply generally to all parts of the CARs.

The Air Regulations Series I, Nos. 2 and 3 and Series II, No. 4 were published in the 1995 *Federal Regulatory Plan* under TC/95-31 and TC/95-35.

This initiative was published in Part I of the *Canada Gazette* on August 12, 1995.

Legal authority: *Aeronautics Act*, R.S.C., chapter 33 (1st suppl.), section 4.9

Contact: Grant Mazowita, Director, Legislation and Compliance, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1224; Fax: (613) 990-1198.

TC/96-4-L

Canadian Aviation Regulations (CARs), Part II - Identification, Registration and Leasing of Aircraft Regulations

Part II of the Canadian Aviation Regulations (CARs), regarding the identification, registration and leasing of aircraft, is principally a renumbering and reformatting of Air Regulations Series II, No. 1 - Identification of Aircraft and Other Aeronautical Products Regulations; Series II, No. 2 - Aircraft Marking and Registration Regulations; and Series II, No. 3 - Leased Aircraft Registration Regulations. These came into force on August 28, 1990. The definitions that are unique to Part II are found in subpart 200. The Identification of Aircraft and Other Aeronautical Products Regulations have been put into subpart 201. The Aircraft Marking and Registration Regulations have been put into subpart 202. The Leased Aircraft Registration Regulations have been put into subpart 203. The changes made to subpart 203 concerning leasing are designed to reflect departmental policies currently being followed.

The anticipated impact of these regulations is minimal as they codify existing regulatory provisions. The benefit is that they will fit the format of the CARs and that the aviation community will find them easier to use. In addition, some specifications currently contained in the Aircraft Marking and Registration Regulations have been removed from the Regulations and re-located in departmental standards.

The Air Regulations Series II, Nos. 1, 2 and 3 were published in the 1995 *Federal Regulatory Plan* under TC/95-31.

Legal authority: *Aeronautics Act*, R.S.C. chapter 33 (1st suppl.), section 4.9

Contact: Jack Scott, A/Director, Aviation Licensing, Transport Canada, Place de Ville, Tower C, 330 Sparks

TC/96-5-L

Canadian Aviation Regulations (CARs), Part III - Aerodromes and Airports

Part III of the Canadian Aviation Regulations (CARs) is a renumbering and reformatting of Air Regulations Series III, No. 1 - Aerodrome Regulations and Series III, No. 2 - Airport Regulations. These came into force on September 29, 1994. The definitions that are unique to Part III have been moved to subpart 300. The remainder of the definitions will be placed in Part I of the CARs (general provisions). The Aerodrome Regulations have been put into subpart 301 and the Airport Regulations into subpart 302. The application section of Series III, No. 2 has been changed so that flight training units will no longer be required to operate out of an airport but may operate from an aerodrome. A further change is that the Minister, in the application section, is given the authority to certify any aerodrome where it would be in the public interest and would further the safe operation of the aerodrome.

The anticipated impact of these regulations is minimal as they codify Air Regulations Series III, No. 1 - Aerodrome Regulations and Series III, No. 2 - Airport Regulations. The benefit is that they will fit the format of the CARs.

Part III is substantially the same as the Air Regulations Series III, Nos. 1 and 2, which were extensively consulted on before they came into force. No other consultation was undertaken.

The Air Regulations Series III, Nos. 1 and 2 were published in the 1995 *Federal Regulatory Plan* under TC/95-31.

This initiative was published in Part I of the *Canada Gazette* on August 12, 1995.

Legal authority: *Aeronautics Act*, R.S.C. chapter 33 (1st suppl.), section 4.9

Contact: M. Dean Broadfoot, Chief, Air Navigation Policies and Standards, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 991-9921; Fax: (613) 991-7416.

TC-96-6-I

Canadian Aviation Regulations (CARs), Subpart 303 - Aircraft Firefighting

Subpart 303 of the Canadian Aviation Regulations (CARs) respecting Aircraft Firefighting Regulations will contain firefighting requirements for specified airports and the levels of service required, depending on aircraft size. This area is presently unregulated, although a number of contractual and voluntary arrangements are in place to satisfy current internal departmental standards. Subpart 303 should reduce the number of airports requiring an aircraft firefighting service.

The department will consult on subpart 303 through the Canadian Aviation Regulatory Advisory Council (CARAC), Technical Committee III, before prepublication in Part I of the *Canada Gazette*.

Legal authority: *Aeronautics Act*, R.S.C. chapter 33 (1st suppl.), section 4.9

Contact: M. Dean Broadfoot, Chief, Air Navigation Policies and Standards, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 991-9921; Fax: (613) 991-7416.

TC/96-7-L

Canadian Aviation Regulations (CARs), Part VIII - Air Navigation Services

Part VIII of the Canadian Aviation Regulations (CARs) relates to the commercialization of air navigation services in Canada. This part will set out the requirements for certification and operation of privately owned air traffic control towers and other air navigation facilities and services not operated or provided by the federal government.

The regulations are necessary to ensure the continued safe operation of the Canadian air navigation system. The department will consult on the regulations through the Canadian Aviation Regulatory Advisory Council (CARAC) before prepublication in Part I of the *Canada Gazette*.

Legal authority: *Aeronautics Act*, R.S.C. chapter 33 (1st suppl.), section 4.9

Contact: M. Dean Broadfoot, Chief, Air Navigation Policies and Standards, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 991-9921; Fax: (613) 991-7416.

TC/91-563-I

Canadian Aviation Regulations (CARs), Part VI - General Operating and Flight Rules

Part VI of the Canadian Aviation Regulations (CARs) deals with general operating and flight rules that apply to all aircraft operations, both commercial and private. It is made up of seven subparts: 600 - General; 601 - Airspace; 602 - Operating and Flight Rules; 603 - Special Flight Operations; 604 - Private Operator Passenger Transportation; 605 - Aircraft Requirements; 606 - Miscellaneous.

Part VI replaces Part V of the Air Regulations as well as most of the provisions currently contained in the Air Navigation Orders, Series I, II, V and VII. Most of the changes found in Part VI of the CARs stem from recommendations made during the course of the department's regulatory review conducted in 1992-93. The review consolidated various regulations, orders, departmental policies and practices, and updated the regulations to meet the needs of public safety and of the aviation community.

In general, the changes in CARs Part VI are minor in nature. Therefore, there will be little or no impact on either the industry or Transport Canada. They recognize Transport Canada Aviation policy and accepted industry practice and, as such, impose no significant economic burden. Subpart 604, however, respecting private operator passenger transportation, is expected to result in moderate increases in training costs for private operators.

This initiative was published in Part I of the *Canada Gazette* on August 12, 1995.

Legal authority: *Aeronautics Act*, R.S.C. chapter 33 (1st suppl.), section 4.9

Contacts: M. Dean Broadfoot, Chief Air Navigation Policies and Standards, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 991-9921; Fax: (613) 991-7416.

Art J. LaFlamme, Director, Air Carrier, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-1123; Fax: (613) 954-1602.

TC/91-564-I

Canadian Aviation Regulations (CARs), Part VII - Commercial Air Services

Part VII of the Canadian Aviation Regulations (CARs) deals with the operating and flight rules which apply to all commercial aircraft operations. It is made up of seven subparts: 700 - General; 701 - Foreign Airline Operations; 702 - Aerial Work; 703 - Air Taxi Operations; 704 - Commuter Operations; 705 - Airline Operations; 706 - Aircraft Maintenance Requirements for Air Operators.

Part VII replaces Part VII of the Air Regulations as well as most of the provisions currently contained in the Air Navigation Orders, Series VII. Most of the changes found in Part VII of the CARs stem from recommendations made during the course of the department's regulatory review conducted in 1992-93. The review consolidated various regulations, orders, departmental policies and practices, and updated the regulations to meet the needs of public safety and of the aviation community. Other changes stem from recommendations of the Committee of Inquiry into the Air Ontario Crash at Dryden, Ontario; departmental studies by groups such as the Air Carrier Inspection Task Force; recommendations by the Transportation Safety Board of Canada; efforts to harmonize Canadian requirements with those of the United States and the European Union; and new flight and flight duty time limitations.

Part VII of the CARs will have a moderate impact on the Canadian aviation industry. It will have its greatest impact on the newly created Commuter category of aircraft regulated under subpart 704, especially in terms of requirements for equipment and aircraft performance levels. New flight and duty time restrictions contained in subpart 700 will also result in significant additional costs for air carriers.

This initiative was published in Part I of the *Canada Gazette* on August 12, 1995.

Legal authority: *Aeronautics Act*, R.S.C., chapter 33 (1st suppl.), section 4.9

Contact: Art J. LaFlamme, Director, Air Carrier, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N8. Tel.: (613) 990-1123; Fax: (613) 954-1602.

TC/95-32-I

Canadian Aviation Regulations (CARs), Part IV - Personnel Licensing and Training

Part IV of the Canadian Aviation Regulations (CARs) is made up of seven subparts: 400 - General; 401 - Flight Crew Permits, Licences and Ratings; 402 - Air Traffic Control Licences; 403 - Aircraft Maintenance Engineer Licences; 404 - Medical Requirements; 405 - Flight Training; 406 - Flight Training Units.

Part IV of the CARs deals with the requirements for licensing aviation personnel and sets out the privileges provided by various permits, licences and ratings. The Regulations also prescribe the medical fitness requirements for the issue of licence validation certificates to holders of, and applicants for, flight crew and air traffic controller licences.

The anticipated impact of these regulations is minimal. They recognize Part IV of the existing Air Regulations; most of the provisions currently contained in the Air Navigation Orders, Series IV; Transport Canada policy, and accepted industry practice. As such, they impose no significant economic burden.

Legal authority: *Aeronautics Act*, R.S.C. chapter 33 (1st suppl.), section 4.9

Contact: Jack Scott, A/Director, Aviation Licensing, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1085; Fax: (613) 990-6215.

TC/95-33-L

Canadian Aviation Regulations (CARs), Part V - Airworthiness

Part V of the Canadian Aviation Regulations (CARs) is made up of many subparts: 500 - General; 501 - Annual Airworthiness Information Report; 505 - Airworthiness Standards; 507 - Flight Authority; 509 - Export Airworthiness Certificates; 511 - Type Certificates; 513 - Design Approval: Modification and Repair; 516 to 549 - Airworthiness Standards; 551 - Aircraft Equipment Requirements; 559 - Miscellaneous Standards; 561 - Manufacture; 563 - Distribution; 571 - Maintenance; 573 - Approved Maintenance Organizations; 591 - Service Difficulty Reporting; 593 - Airworthiness Directives.

These regulations revise, consolidate and update material contained in the existing Air Regulations, the Air Navigation Orders, standards and practices, to reflect advances in technology. The regulatory

material contained in the Airworthiness Manual will be removed and placed into the appropriate CARs subparts. This will leave the Airworthiness Manual as a standards document only. The current numbering system found in the Airworthiness Manual will be retained because of the industry's long-standing use and acceptance of the Manual.

These regulations will better harmonize the Canadian airworthiness regulatory system with those of other states, to reflect the global nature of aviation activities and aircraft operations.

Legal authority: *Aeronautics Act*, R.S.C. chapter 33 (1st suppl.), section 4.9

Contact: Maher Khouzam, Chief, Airworthiness Standards, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-2738; Fax: (613) 996-9178.

TC/R-8-L

Airport Zoning Regulations

These regulations or amendments address problems of radio interference; limit the height of buildings, structures and objects, including objects of natural growth; and prohibit waste disposal sites on lands adjacent to, or in the vicinity of, the airports. Initiatives are planned for the following locations: Cartierville, Cornwall, Fort Frances, Hamilton, Kingston, London, Macdonald-Cartier, Montreal (Dorval), Lester B. Pearson, Penticton, Pickering, St. John's (Nfld.), Sioux Lookout, Stratford, Thunder Bay, Toronto Island and Windsor.

These regulations or amendments only affect those landlords who hold property adjacent to, or in the immediate vicinity of, the airports and have no impact on the general society or the economy. They will result in increased safety for aircraft manoeuvring in the vicinity of the airport.

Legal authority: *Aeronautics Act*, section 5.4

Contact: Michael G. Redmond, Senior Law Clerk, Legal Services, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-5794; Fax: (613) 990-5777.

Marine Group Canadian Coast Guard

In addition to the initiatives outlined in the following section, several Marine Group initiatives that are strictly revenue generating (fee or tariff initiatives) appear in the Transport Canada Finance Group

section. These include, but are not limited to, tariff or fee increases for the Public Harbours Regulations and the Government Wharves Regulations. However, the Finance Group listing does not include any of the tariff or fee initiatives put forward by the individual pilotage authorities, or the Office of Boating Safety (Small Vessel Regulations) within the Canadian Coast Guard (Department of Fisheries and Oceans). These initiatives are listed within separate sections under the Marine Group.

For ease of reference and continuity, pending the completion of the Coast Guard merger with the Department of Fisheries and Oceans (DFO) by April 1, 1996, the Marine Group section of the 1996 *Federal Regulatory Plan* will include several initiatives being put forward by the Canadian Coast Guard for completion during 1996. As noted above, these initiatives have been listed separately under a Canadian Coast Guard (DFO) heading.

This year, the Marine Group has not listed any future initiatives in the Federal Regulatory Plan for early notification. With the Coast Guard/DFO merger underway and with the new Transport Canada transition taking place over the next several months, it is considered appropriate to reflect only those initiatives that we feel will most certainly be legally examined and blue-starred for publication in Part I of the *Canada Gazette* or Part II during 1996. Our ongoing and continuous consultation on all initiatives will continue to take place within the Canadian Marine Advisory Council (CMAC) forum for all matters which affect the marine industry and the public, including those within the mandate of the Canadian Coast Guard, Fisheries and Oceans.

As well, the Marine Regulatory Directorate, Transport Canada will continue, over the next four to five years, implementing the many recommendations contained in the April 1993 Marine Regulatory Review Report to the Minister of State for Transport. These recommendations involve 113 regulations. This review was conducted as a result of the Federal Budget Statement of 1992, which asked for a "department-by-department review of existing regulations to ensure that the use of government regulatory powers results in the greatest prosperity for Canadians." In the Marine sector of Transport Canada, an internal team of Canadian Coast Guard (CCG) staff representing the different regions and directorates was formed to undertake an in-depth review of all existing CCG regulations. The team took into account stakeholders' responses to the Minister's request for input into the regulatory review. An

external marine advisory panel was also formed – comprising 10 knowledgeable individuals representative of industry, labour and public interests – to assess the value and impact of these regulations on Canadian industry, labour, the general public and the environment. In addition, the panel challenged the results of the internal review performed by the CCG Regulatory Review Team.

Stakeholders' comments formed an important part of the Marine Regulatory Review analysis. These comments focused on: the impact of regulations on Canadian industry and the need for further harmonization with the United States and international organizations such as the International Maritime Organization (IMO); the need for an improved and streamlined regulatory process to allow Canadian regulations to incorporate standards and other documents by reference, as well as to respond quickly to technological change; the need to update and modernize the *Canada Shipping Act*; and the need for further cost-benefit analysis before the promulgation of new and amended regulations.

The Marine Advisory Panel, after meeting six times between September 1992 and March 1993, submitted its report to the Minister of State for Transport in April 1993. Copies of the report were distributed to members of the Canadian Marine Advisory Council (CMAC) at its November 1993 meeting. The report details the recommendations concerning both the 113 sets of CCG regulations and important Coast Guard policy issues. In addition to these recommendations, the Marine Advisory Panel observed that: the Coast Guard lacked a consistent approach to regulation-making and that the cumbersome and protracted federal regulatory process prevented the Coast Guard from responding to technological changes and client concerns on a timely basis; international conventions were inconsistently applied in regulations; and standards (international, foreign, Canadian and Coast Guard) should replace the technical detail currently contained in regulations.

In addition to specific regulatory changes, the Marine Group is studying the following five policy issues that affect regulatory workload:

1. Review of the Delegation of Ship Inspection issue is complete and a report was submitted to the Commissioner of the Coast Guard. Consultation with the affected industry has been undertaken and a report was submitted to the Minister of Transport in the fall of 1994.
2. The study into converting technical detail in regulations to standards, and incorporating them by

reference, has been broadened to include the development of a regulatory framework to guide the marine regulatory program. This framework will establish the fundamental principles of the Marine regulatory program and provide a more consistent approach to regulation-making, thereby making it easier to develop and incorporate standards for Marine regulation.

3. The development of a Marine/Canadian Coast Guard policy vis-à-vis the International Maritime Organization (IMO) has also been expanded. This study is now looking at developing a policy (and permanent office) to guide all Marine Group/Coast Guard involvement in international bodies, by consulting with various Marine and Transport Canada groups, as well as other departments (Fisheries and Oceans (Canadian Coast Guard), Environment Canada, Foreign Affairs and International Trade Canada, Justice Canada), industry groups and interested associations.
4. With respect to the recommendation in the Marine Regulatory Review to revise and modernize the *Canada Shipping Act*, an implementation plan, in addition to a discussion paper outlining proposed revisions in the first phase. A sequential revision of each part of the Act over the next decade has been proposed.
5. The review of the Canadian Marine Advisory Council (CMAC) has already produced some changes to the CMAC process and structure. In particular, the regions have adopted a process of continuous consultation under the direction of the regional CMAC. This continuous consultation process should be more manageable and efficient, as it helps to solve issues at the regional level, rather than continually attempting to resolve all issues at the national CMAC meetings.

In addition to implementing the specific recommendations of the Marine Regulatory Review, work has begun on the problems associated with the protracted Marine portion of the federal regulatory process. Internally, the Marine Group has refined its regulatory process and added a number of review mechanisms. Specifically, the Marine Group has:

- developed a regulatory assessment methodology to be applied to Marine regulatory initiatives, as a front-end assessment mechanism and regulatory filter;
- maintained the regulatory review team approach to clearly justify regulatory priorities, and to ensure that the principles of the Regulatory Review continue to guide the Marine regulatory program;
- established a monitoring and tracking system to highlight the problem areas and bottlenecks in the regulatory process, and to minimize delays in response times; and
- initiated a study into the increased use of standards and other documents for incorporation by reference in regulation.

With respect to the external regulatory process, Transport Canada has formed a joint working group with Justice Canada to discuss improvements. As a result of these discussions, a regulations unit has been established to conduct the legal examination of Marine regulations. The Regulations Unit performs both the preliminary examination that the Departmental Legal Services Unit provided in respect of regulations and the Privy Council Office (Justice) function of examination under the *Statutory Instruments Act*. The presence of this group on site should facilitate the development and examination of regulations by enabling close day-to-day contact between the Justice lawyers and the officials of Transport Canada.

Transport Canada, together with Justice lawyers, will also be considering the use of "plain language" (or language that the regulated public can understand more easily) in regulations; the increased use of omnibus amendments to expedite the regulatory amendment process; and alternative approaches to bilingual drafting.

The study into the use of standards and the development of a modern regulatory framework, mentioned previously, should produce improvements to the Marine regulatory program, as the framework will:

- describe the goals and objectives of the ship safety regulatory program, including the commitment to safety, the involvement and consultation of the marine community, and the competitiveness of the marine industry;
- provide a consistent approach to regulation-making, to the benefit of both drafters and users; and
- articulate a policy of harmonization with the regulations of other countries and international organizations.

Copies of the 1992 Marine Regulatory Review Report are available by calling: Martyn Howard, Tel.: (613) 990-5915, Debbie Dagenais, Tel.: (613) 990-3092 or Michel Berthiaume, Interim Director, Marine Regulations Branch, Marine Regulatory Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7.

Canadian Coast Guard

TC/96-8-L

Small Fishing Vessel Safety Regulations

The Small Fishing Vessel Safety Regulations are intended to replace and update the current Small Fishing Vessel Inspection Regulations. The new regulations relate to the construction, inspection and operation of fishing vessels not exceeding 24 metres in length with a maximum gross tonnage of 150 tons. They are divided into two sections. The first section deals with small fishing vessels exceeding 15 tons gross tonnage, and the second with those not exceeding 15 tons gross tonnage.

At the meeting of the Canadian Marine Advisory Council (CMAC) of the Coast Guard in May 1993, members of the working group approved the technical contents of the regulations, subject to revision following possible changes after legal counsel examines them.

The enforcement of these regulations through safety and construction standards will result in additional costs to fishing vessel owners. The costs to be borne by Canadian owners will vary according to the vessel's design, size and type of operation. These regulations will help safeguard human life at sea and contribute to the safety of fishing vessel operations.

Legal authority: *Canada Shipping Act*, section 338

Contact: Normand Breton, Senior Surveyor, Policy Branch, Marine Regulatory Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 991-3172; Fax: (613) 954-4916.

TC/93-47-I

Life-Saving Equipment Regulations

This amendment is safety related. It addresses life-saving equipment on ships. A major revision to Chapter III of the Safety of Life at Sea Convention 1974 (SOLAS) became effective on July 1, 1986. Canada is a signatory of this convention and thus has to comply with the new requirements. A revision of the subject regulations will bring Canadian legislation in line with SOLAS.

The amended regulations will be easier for the user to understand. Canadian ships will be accepted in foreign convention ports as being in compliance with SOLAS and Canadian manufacturers of life-saving equipment will meet international standards, enabling

them to sell their products abroad. Passengers and crews of Canadian ships will, therefore, be better protected in the event of a marine emergency. Additional costs incurred or savings achieved by these regulations will essentially neutralize each other.

Shipowners will have greater flexibility in choosing equipment. The amendments apply mainly to new and Convention ships. Existing vessels will be affected to a lesser degree.

Legal authority: *Canada Shipping Act*, section 314, and subsections 338(1) and 339(1)

Contact: Allan Williams, Marine Surveyor, Ship Inspection Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 991-3124; Fax: (613) 993-8196.

TC/93-48-L

Ship Station Technical Regulations - VHF

This amendment is directly related to the proposed Life-Saving Equipment Regulations (LSER) amendment. It addresses a safety-related issue concerning life-saving equipment on ships. An amendment to the LSER will require certain Canadian ships to carry one or more portable two-way VHF (Very High Frequency) radiotelephones for communications between survival craft and ship, and between ship and rescue boat. The apparatus will be portable and designed so that an unskilled person can use it in an emergency.

Passengers and crews of Canadian ships will be better protected in the event of a marine emergency because they will have an effective means of communication with search and rescue forces. Additional costs imposed by this amendment are estimated to be about \$1,000 per unit for those ships required to comply with the Regulations.

Legal authority: *Canada Shipping Act*, section 343

Contact: Peter Dalton, Superintendent, Regulations, Marine Navigation Services, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 998-1520; Fax: (613) 991-4982.

TC/93-59-L

Arctic Shipping Pollution Prevention Regulations

The Arctic Shipping Pollution Prevention Regulations (ASPPR) contain a table that sets equivalencies between the Classification Society notations and the "types" as used in the Regulations. These "types" are

used to determine the permitted entry dates into the shipping safety control zones. The table presently contains equivalencies for both the general ice class rules of the Society and the Baltic ice classes. For newly constructed ships, it is proposed to remove the general ice class equivalencies and to use only the Baltic ice classes.

Legal authority: *Arctic Waters Pollution Prevention Act*, section 12

Contact: Andrew Hart, Senior Surveyor, Arctic Ship Safety Branch, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 991-6004; Fax: (613) 991-9261.

TC/95-48-L

Tackle Regulations

The present regulations, which stem from the International Labour Conference of 1932, require updating as a result of recent developments in cargo handling equipment and advances in technology. Outdated requirements will be replaced by new ones which will address modern methods of marine cargo handling and their attendant hazards.

Replacing outdated requirements with useful and practical ones that reflect, in large measure, what is already common application should reduce the number of accidents. The costs imposed will be minimal as industry is already adopting new technology.

Legal authority: *Canada Shipping Act*, subsection 339(1)

Contact: Jan Zwaan, Marine Regulatory Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 991-3142; Fax: (613) 991-5670.

TC/95-49-L

Collision Regulations - International Convention

This amendment will revise the Regulations and modify the format to incorporate by reference the International Regulations for Preventing Collisions at Sea, 1972, as amended from time to time. Canada is a signatory to this convention. This amendment is necessary to ensure that the conduct of Canadian vessels will continue to be regulated in internationally accepted phraseology with which Canadian mariners are familiar.

Legal authority: *Canada Shipping Act*, section 562.1

Contact: Dave G. Jenkins, Senior Surveyor, Ship Inspection Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 991-3137; Fax: (613) 993-8196.

TC/95-50-L

Boat and Fire Drill Regulations - International Convention

This amendment is safety related. It addresses life-boat and fire drills on ships. A major revision to Chapter III of the Safety of Life at Sea Convention 1974 (SOLAS) became effective on July 1, 1986. Canada is a signatory to this convention and thus has to comply with the new requirements. The amendment will bring the Regulations in line with SOLAS and will make them easier for the user to understand. Additionally, Canadian ships will be accepted in foreign convention ports as being in compliance with SOLAS. Passengers and crews of Canadian ships will, therefore, be better protected in the event of a marine emergency. No additional costs will be incurred.

Legal authority: *Canada Shipping Act*, section 338

Contact: Dave G. Jenkins, Senior Surveyor, Ship Inspection Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel.: (613) 991-3137; Fax: (613) 993-8196.

Canadian Coast Guard (Fisheries and Oceans)

TC/R-9-L

Boating Restriction Regulations

These amendments are made to improve the safety of navigation and boating activities on specified bodies of water, as requested by participating provinces. On an annual basis, these provinces submit requests for amendments to schedules restricting boating on specified waters.

The routine amendments will result in no cost to the federal government and a minor cost to the provinces or municipalities requesting the restrictions (the cost of erecting signs and of police enforcement).

Legal authority: *Canada Shipping Act*, subsections 562(2) to (4)

Contact: Cathy Sandiford, Director, Rescue and Environmental Response Directorate, Canadian Coast Guard, Fisheries and Oceans, Canada Building,

TC/95-51-M

Small Vessel Regulations - Various Amendments

Carriage requirements: This amendment reflects the upgrading of safety equipment requirements for pleasure craft, small passenger vessels up to five gross tons and uninspected commercial vessels.

As a result of this regulatory measure, vessels will need additional safety equipment (rope, hand light and mirror), at an average total price of \$12.50 per vessel. The estimated total industry-wide cost is \$19 million. At the same time, this regulatory measure will remove the requirement for vessels under six metres in length to carry distress signals. This will result in an average cost savings of \$75 per vessel, for an estimated overall total of \$8 million.

The Canadian Marine Advisory Council (CMAC) recommended these requirements.

Capacity/compliance plates: This amendment revises the safety requirements for small vessels and amalgamates the horsepower and load capacity plates into a single capacity/compliance plate. The plate will show the recommended gross load capacity of the vessel, the equivalent number of adult people and safe limits of brake engine power.

These amendments have been discussed extensively at CMAC meetings during the past several years.

Licensing requirements/fees: The Coast Guard has conducted consultations throughout the Province of Ontario in 1995 concerning options for improving the existing vessel licensing regime. These options were developed through a joint working group composed of representatives of the provincial government and of the national and provincial levels of the small vessel community.

The Coast Guard also discussed the options with the remaining provinces and clients within those provinces in 1995.

Based on these consultations, the Coast Guard will amend the regulations. These amendments could designate provincial governments as issuers of licences on behalf of the Coast Guard, require greater detail from current owners of small vessels, and make it easier for police, legal firms, customs officials, financial institutions and others to get information

about particular vessels. The amendment will also introduce a fee for vessel licences.

Operator proficiency requirements/fees:

Consultations have been underway in Ontario on a number of options for improving the proficiency of the operators of small vessels. The options were developed through a joint working group composed of representatives of the Coast Guard, the Province of Ontario and client groups. The Coast Guard will undertake further discussions and consultations with the governments and client groups in the remaining provinces. The amendments could range from enabling the Coast Guard to accredit boating courses currently offered by boating organizations, to introducing an operator licensing and testing regime.

This initiative could have a major impact.

Legal authority: *Canada Shipping Act*, sections 405, 406 and 407

Contact: Cathy Sandiford, Director, Rescue and Environmental Response Directorate, Canadian Coast Guard, Fisheries and Oceans, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7.
Tel.: (613) 990-3105; Fax: (613) 996-8902.

Pilotage Authorities

TC/96-9-L

Laurentian Pilotage Authority Regulations

The Laurentian Pilotage Authority proposes to amend its regulations to harmonize its examination for applicants for a pilot's licence or a pilotage certificate with the examination conducted by the Transport Canada Marine Group for applicants for departmental certificates of competency.

There are no additional costs associated with these amendments, which will make the regulations more precise and clear. Both the Authority and the industry will benefit.

Legal authority: *Pilotage Act*, section 20

Contact: Neil McNeill, Director, Marine Pilotage Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7.
Tel.: (613) 998-0695; Fax: (613) 990-1538.

TC/96-10-I

Atlantic Pilotage Tariff Regulations

The Atlantic Pilotage Tariff Regulations (covering the compulsory pilotage areas of New Brunswick, Newfoundland, Nova Scotia and Prince Edward

Island) will be amended to bring the Atlantic Pilotage Authority to financial self-sufficiency as mandated under the *Pilotage Act*.

The Authority will consult the users of pilotage services about an agreement whereby users will absorb the increased cost of providing the service.

Legal authority: *Pilotage Act*, section 33

Contact: Neil McNeill, Director, Marine Pilotage Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7.
Tel.: (613) 998-0695; Fax: (613) 990-1538.

TC/91-616-L

General Pilotage Regulations

Amendments to Part I of these regulations will be necessary to conform to the medical requirements of the Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978.

These amendments will have a minor effect on applicants for pilotage licences and pilotage certificates but, as the number of applicants per year at the four marine pilotage authorities is low, the general effect is negligible.

Legal authority: *Pilotage Act*, section 20

Contact: Neil McNeill, Director, Marine Pilotage Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7.
Tel.: (613) 998-0695; Fax: (613) 990-1538.

TC/92-80-L

Pacific Pilotage Regulations

The Pacific Pilotage Authority proposes to amend its regulations to accommodate the medical requirements pertaining to pilots in the Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978. These amendments will have a minor effect on applicants for pilot licences but, as only approximately half a dozen applicants per year are involved, the general effect is negligible.

Legal authority: *Pilotage Act*, section 20

Contact: Neil McNeill, Director, Marine Pilotage Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7.
Tel.: (613) 998-0695; Fax: (613) 990-1538.

TC/95-61-I

Pacific Pilotage Tariff Regulations

The Pacific Pilotage Tariff Regulations will be amended to raise additional revenue to compensate for increasing costs related to coastal and Fraser River pilots, and to maintain financial self-sufficiency.

The Authority will consult the Chamber of Shipping of British Columbia, which represents the shipping industry, regarding the proposed increase in pilotage tariffs. These proposed tariffs will result in increased costs for the industry.

Legal authority: *Pilotage Act*, section 33

Contact: Neil McNeill, Director, Marine Pilotage Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7.
Tel.: (613) 998-0695; Fax: (613) 990-1538.

TC/93-23-L

Pacific Pilotage Regulations - Reciprocal Exemptions

The Pacific Pilotage Authority proposes to amend its regulations to provide reciprocal exemptions to American pilots in specific Canadian territorial waters in Haro Straits and Boundary Pass. This would recognize historical practice based on the Treaty Establishing Boundary West of the Rocky Mountains of 1846 between the U.S. and Great Britain and supported by the Boundary Waters Treaty of 1909 between the United States and Canada. The purpose would be to enhance safety of navigation in contiguous American/Canadian compulsory pilotage waters.

These exemptions relate to one of the principal elements of both treaties: that the navigation of the area referred to shall remain "free and open to both parties" and not be subject to discriminatory non-reciprocal regulations.

Legal authority: *Pilotage Act*, section 20

Contact: Neil McNeill, Director, Marine Pilotage Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7.
Tel.: (613) 998-0695; Fax: (613) 990-1538.

St. Lawrence Seaway Authority

TC/95-24-L

Seaway Regulations

The Regulations will be updated to reflect current operational requirements. The proposed changes are mainly administrative and should not have a significant impact on users of the system.

Legal authority: *St. Lawrence Seaway Authority Act*, section 20

Contact: Norman B. Willans, Counsel, The St. Lawrence Seaway Authority, Suite 1400, 360 Albert Street, Ottawa, Ontario, K1R 7X7. Tel.: (613) 598-4605; Fax: (613) 598-4620.

Surface Group **Railway Safety**

TC/96-11-I

Railway Fencing Regulations

The existing standard for railway fencing is laid out in section 217 of the *Railway Act*. The intent of the standard was to keep farm animals, primarily cattle, off railway rights of way. This standard is now considered to be too prescriptive, as well as obsolete for urban needs, where human encroachment is the problem. In urban areas, fencing should prevent unlawful trespassing on the railway right of way. The standard fence is inadequate for this purpose. There are currently 50 to 60 trespassing fatalities annually on railway rights of way.

There will be some economic impact on the railway industry and municipalities arising from increased fencing construction and maintenance costs, particularly in urban areas. This will be offset by the enhanced safety of railway operations and a reduced trespassing casualty rate.

The railway industry, the Federation of Canadian Municipalities and the Canadian Federation of Agriculture have all been consulted regarding this initiative.

Legal authority: *Railway Safety Act*, paragraph 24(1)(f)

Contact: Ian S. Naish, Chief, Policy, Regulations and Standards, Safety Programs Branch, Railway Safety Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1926; Fax: (613) 990-2921.

TC/95-64-L

Orders - Revocation

Since the proclamation of the *Railway Safety Act* in January 1989, new regulatory instruments have continued to come into effect. The result is that many general orders of the former Canadian Transport Commission need to be revoked.

General orders expected to be superseded this year relate to such issues as motive power regulations, locomotive lights and lamps regulations, locomotive wheels regulations, railway engine bell and whistle regulations, vision and hearing regulations, and grade crossing construction regulations.

Revoking these orders will have a generally positive economic impact, because the instruments that will replace them will permit a more flexible regulatory approach and a fast regulatory response to changes in technology or in the industry's environment.

Legal authority: *Railway Safety Act*, section 119

Contact: Ian S. Naish, Chief, Policy, Regulations and Standards, Safety Programs Branch, Railway Safety Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1926; Fax: (613) 990-2921.

TC/95-65-I

Rail-Highway Grade Crossing Regulations

There are approximately 40,000 public, private and farm crossings under federal jurisdiction in Canada. About 60 deaths and 70 serious injuries occur annually at crossings. These account for approximately 50 per cent of annual rail-related casualties.

The design standards for these crossings are currently laid out in regulations of the former Canadian Transport Commission. Transport Canada has developed a new manual of construction and maintenance standards and intends to incorporate this manual by reference in a new regulation.

This is an intermediate-cost initiative. There will be an economic impact on the railway industry and road authorities arising from increased construction and maintenance costs. This will be offset by enhanced safety of railway operations and a reduced casualty rate.

Transport Canada has consulted extensively with the railway industry, road authorities (both provincial and municipal) and the Federation of Canadian Municipalities on matters related to this initiative.

Legal authority: *Railway Safety Act*, sections 7 and 24

Contact: Ian S. Naish, Chief, Policy, Regulations and Standards, Safety Programs Branch, Railway Safety Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5.
Tel.: (613) 998-1926; Fax: (613) 990-2921.

Road Safety and Motor Vehicle Regulation

TC/96-12-M

Motor Vehicle Safety Regulations, Standards 105 and 121: Hydraulic and Air Brake Systems (Antilock Brake Systems)

The amendments will introduce two major requirements:

- antilock brake systems for medium and heavy trucks, buses, multipurpose passenger vehicles (MPVs) and trailers, and
- stopping performance for trucks, buses and MPVs.

These requirements are aimed at improving directional stability, directional control and stopping capability during braking.

New requirements for air brakes will be added. They will focus on timing and actuation energy source of parking brakes, reservoirs, trailer brake performance in the event of failure and compressor cut-in pressure. They are intended to improve the reliability of air brake systems. Canadian Motor Vehicle Safety Standard (CMVSS) 121 requirements will also be extended to container chassis trailers, some designs of which are currently exempt. For hydraulic-braked vehicles equipped with a manual transmission and clutch pedal starter interlock, the revision to CMVSS 105 allows the brake failure tell-tale to be illuminated only when the engine ignition key is turned on and the clutch pedal is fully depressed.

These amendments, which have also been promulgated in the U.S., will be made in Canada by way of two new technical standards documents, TSD 105 and 121, which will be virtually identical to the U.S. regulations. CMVSS 105 and 121 will be simplified to make references to TSD 105 and 121.

In the U.S., the requirements for antilock brake systems and stopping distances cost an estimated \$400 million and \$12 million respectively per year. However, the annual benefits resulting from accident and injury reduction would exceed \$500 million. Cost and benefit information in Canada is as yet

incomplete, but the economic impact is expected to be comparatively proportional. However, if we don't introduce the amendment, we lose an opportunity to improve road safety.

Transport Canada consults with both domestic and offshore vehicle manufacturers, as well as public safety organizations (which, among other affected parties, represent consumers), on regulatory development initiatives through regular meetings with associations representing these groups. The department consults with other governments through regular meetings of the Canadian Council of Motor Transport Administrators, whose members include the provincial, territorial and federal governments.

Legal authority: *Motor Vehicle Safety Act*, section 5

Contact: Winson Ng, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5.
Tel.: (613) 998-1949; Fax: (613) 990-2913.

TC/96-13-I

Motor Vehicle Safety Regulations, Standards 108: Lighting Equipment; 108.1: Headlamps; 123: Controls and Displays - Motorcycles; 131: School Bus Pedestrian Safety Devices; and 1201: Snowmobile Standards

Major changes include requirements for the following new mandatory equipment:

- reflective markings on heavy trailers to reduce the risk of collisions in darkness;
- a centre high-mounted stop lamp (CHMSL) on light-duty trucks and multipurpose passenger vehicles to reduce the risk of rear-end collisions; and
- a swing-out stop sign on school buses to improve the safety of children crossing the road at school bus stops.

A number of minor amendments are planned. They will:

- introduce minimum brightness above horizontal for lower beam headlamps;
- add an air-flow requirement to the headlamp humidity test;
- introduce a lower maximum brightness for daytime running lamps (DRL) mounted more than 0.86 metres above the road surface;

- require daytime running lamps (DRL) that are not combined with headlamps or fog lamps to comply with a new industry standard, SAE J2087;
- increase the maximum brightness of centre high-mounted stop lamps;
- introduce a numerical haze limit in the weathering test for reflex reflectors;
- remove the minimum height requirement for reflectors on snowmobile cutters; and
- remove the option of transparent headlamp covers.

The following options will be introduced:

- headlamps with non-removable light sources incorporating air vents instead of sealed designs;
- compliance with the 1994 versions of SAE standards for lighting devices rather than with older versions referred to in U.S. regulations;
- identification lamps installed below, rather than above, the rear doors of van trailers under specified conditions;
- a modulating daytime headlamp for motorcycles in place of a steady low beam;
- motorcycle headlamps that remain off after the engine is started and until the motorcycle first begins to move, instead of illuminating as soon as the engine starts; and
- yellow or green colour for motorcycle turn signal tell-tales.

Many of the above changes are contained in technical standards documents (TSDs) that will be incorporated by reference into standards 108 and 131 for purposes of greater regulatory efficiency and closer harmonization.

This initiative should reduce the number of road accidents caused by driver perception problems, improve the repeatability and representativeness of component tests, and reduce costs by harmonizing Canadian requirements more closely with U.S. regulations. Net annual safety benefits from the reflective markings and centre high-mounted stop lamps (CHMSL) are estimated at \$1.6 million and \$500,000, respectively. The costs of the other changes will be minimal. The stop arm should reduce the frequency of illegal passing of school buses by about half at an annual cost of \$200,000. If we don't make these changes, road users will have a lower level of safety.

Transport Canada consults with both domestic and offshore vehicle manufacturers, as well as public safety organizations (which, among other affected parties, represent consumers), on regulatory development initiatives through regular meetings

with associations representing these groups. The department consults with other governments through regular meetings of the Canadian Council of Motor Transport Administrators, whose members include the provincial, territorial and federal governments.

Legal authority: *Motor Vehicle Safety Act*, section 5

Contact: James G. White, Head, Crash Avoidance Engineering, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1965; Fax: (613) 990-2913.

TC/96-14-I

Motor Vehicle Safety Regulations, Standard 135: Passenger Car Brake Systems

A new safety standard, Canada Motor Vehicle Safety Standard (CMVSS) 135, will be introduced to address safety issues related to braking systems on passenger cars. The standard will be permitted as an alternative to CMVSS 105, which is applicable to hydraulic brake systems on passenger cars until September 1, 2000. After that date, all passenger cars will be required to comply with CMVSS 135.

In the U.S., a new brake system standard for passenger cars, Federal Motor Vehicle Safety Standard (FMVSS) 135, which has been effective since March 6, 1995, will become mandatory on September 1, 2000. This standard will be adapted into a new document in Canada, Technical Standard Document (TSD) 135. The new CMVSS 135 will be simply worded and will make reference to TSD 135 which will be virtually identical to FMVSS 135.

For more than a decade, regulatory authorities and vehicle manufacturers in North America, Europe and other countries have cooperated to produce harmonized braking regulations mutually acceptable to both continents. The objective is to address safety areas of common concern and to eliminate unnecessary trade barriers. The new safety standards in U.S. and Canada will harmonize with Regulation R13H now being proposed by the United Nations Economic Commission for Europe (ECE).

The new standard will not result in any significant cost to vehicle manufacturers. Besides ensuring safety performance equivalent to that ensured by CMVSS 105, CMVSS 135 will address additional safety needs such as lining wear indicators, adhesion utilization requirements, wheel lockup provisions and a high speed effectiveness test. A harmonized regulation also reduces the costs of producing motor vehicles. If we

don't adopt this new regulation, we might reduce the variety of available models.

Transport Canada consults with both domestic and offshore vehicle manufacturers, as well as public safety organizations (which, among other affected parties, represent consumers), on regulatory development initiatives through regular meetings with associations representing these groups. The department consults with other governments through regular meetings of the Canadian Council of Motor Transport Administrators, whose members include the provincial, territorial and federal governments.

Legal authority: *Motor Vehicle Safety Act*, section 5

Contact: Winson Ng, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1949; Fax: (613) 990-2913.

TC/96-15-I

Motor Vehicle Safety Regulations, Standard 905: Heavy Trailer Cargo Anchoring Devices

A recent Transport Canada study of heavy truck accidents has highlighted loss-of-load-type accidents as a major cause of injury, death and property damage on Canadian highways.

In response to this problem, Transport Canada proposes to amend the Motor Vehicle Safety Regulations to specify the minimum strength and number of anchor points fitted to every new trailer designed to carry cargo that is affixed by means such as chains or straps with a gross vehicle weight rating of 10 000 kg or more. This regulation will ensure that trailers are built with anchor points of sufficient strength and number to restrain the load at all times, including during rollover-type accidents.

Specifically, every trailer anchor point will be required to be of sufficient strength to withstand a static force of 90 000 newtons when tested in accordance with the proposed standard. This force corresponds to the ultimate tensile strength of most commonly used tie-down devices, such as chains and straps. In addition, the number of anchor points will be determined by a mathematical formula that takes into account the rated cargo mass of the trailer, the working load limit of typical tie-down devices and the forces generated by typical on-road manoeuvres.

It is estimated that this initiative will prevent 40 load-loss accidents per year. This will mean 3 fewer deaths, 40 fewer injuries and \$400,000 less property damage. The total value of these benefits is expected to be

approximately \$5 million per year. The costs associated with this amendment, including testing and documentation costs, are expected to be approximately \$2 million per year. This figure assumes a cost of \$20 per anchor point with an average of 10 anchor points per trailer on a total of 10,000 trailers per year.

In consultation with industry, federal and provincial officials, Transport Canada has determined that no feasible alternative exists. Adopting voluntary guidelines or provincial regulations will not fully address the problem.

Transport Canada consults with both domestic and offshore vehicle manufacturers, as well as public safety organizations, on regulatory development initiatives through regular meetings with associations representing these groups. It consults with other governments through regular meetings of the Canadian Council of Motor Transport Administrators, whose members include the provincial, territorial and federal governments.

Legal authority: *Motor Vehicle Safety Act*, section 5

Contact: John Neufeld, Engineer, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1959; Fax: (613) 990-2913.

TC/93-90-L

Motor Vehicle Safety Regulations, Standard 208: Occupant Crash Protection

This amendment will require manufacturers to comply with performance-oriented, non-design-restrictive criteria for occupant restraint systems used in Canadian vehicles.

Limits will be placed on resultant head acceleration and chest deflection experienced by a human-like test device (Hybrid III) in a 48 km/h barrier collision test. These requirements do not exist in the regulations of any other country.

This amendment will improve the level of protection afforded to occupants in vehicle crashes. Since head acceleration and chest deflection data are obtained from the widely used Hybrid III test device, there should be no additional testing costs imposed on manufacturers already using this device to comply with other countries' requirements. Because of the unique nature of this amendment, some additional costs will be incurred by Canadian manufacturers.

The determination of these costs will be addressed during the consultation phase.

This amendment is being prepared in conjunction with an amendment to Motor Vehicle Safety Regulations, Standard 210: Seat Belt Assembly Anchorages.

Transport Canada consults with both domestic and offshore vehicle manufacturers, as well as public safety organizations (which, among other affected parties, represent consumers), on this regulatory development initiative through regular meetings with associations representing these groups. It consults with other governments through regular meetings of the Canadian Council of Motor Transport Administrators, whose members include the provincial, territorial and federal governments.

Legal authority: *Motor Vehicle Safety Act*, section 5

Contact: André St-Laurent, Vehicle Safety Engineer, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1964; Fax: (613) 990-2913.

TC/94-85-L

Motor Vehicle Restraint Systems Safety Regulations

This initiative incorporates into a new regulation the passenger restraint standards that currently exist in the Motor Vehicle Safety Regulations, namely standards 213, Child Restraint Systems; 213.1, Infant Restraint Systems; 213.2, Booster Cushions; and 213.3, Restraint Systems for Disabled Children and Small Size Adults.

In addition, the Motor Vehicle Restraint Systems Safety Regulations will prescribe the form of a registration system and the information that must be issued with a notice of defect. The registration system will be similar to those that the industry has already adopted voluntarily. The Regulations will require that records be established and maintained for five years after the date of manufacture of the restraint. The Regulations will also specify the documentation that an importer must provide.

These regulations will have a negligible economic impact.

Transport Canada consults with both domestic and offshore vehicle manufacturers, as well as public safety organizations (which, among other affected parties, represent consumers), on this regulatory

development initiative through regular meetings with associations representing these groups. It consults with other governments through regular meetings of the Canadian Council of Motor Transport Administrators, whose members include the provincial, territorial and federal governments.

Legal authority: *Motor Vehicle Safety Act*, section 5

Contact: André St-Laurent, Vehicle Safety Engineer, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1964; Fax: (613) 990-2913.

TC/95-70-L

Motor Vehicle Safety Regulations, Standard 214: Side Door Strength (Extension of Applicability)

This amendment will extend the applicability of the side door strength requirement, which currently applies to cars, buses, multipurpose passenger vehicles and trucks having a gross weight of less than 4,536 kg.

This amendment is identical to an earlier U.S. requirement, therefore, a high proportion of Canadian vehicles in the affected classes already comply with it. Because of this fact, it is difficult to estimate the costs and benefits that will result from the requirement.

Transport Canada consults with both domestic and offshore vehicle manufacturers, as well as public safety organizations (which, among other affected parties, represent consumers), on regulatory development initiatives through regular meetings with associations representing these groups. It consults with other governments through regular meetings of the Canadian Council of Motor Transport Administrators, whose members include the provincial, territorial and federal governments.

Legal authority: *Motor Vehicle Safety Act*, section 5

Contact: Darwin S. Van Dusen, Road and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1962; Fax: (613) 990-2913.

TC/95-72-M

Motor Vehicle Safety Regulations, Standards 105 and 121: Hydraulic and Air Brake Systems (Automatic Brake Adjusters)

The amendment will require automatic brake adjusters on all vehicles other than motorcycles. Automatic adjusters are common on hydraulic brakes, and their use with air brakes is increasing. Automatic adjusters help minimize brake response times and thereby reduce stopping distances.

Automatic hydraulic brake adjusters will be required to remain activated during the hydraulic brake road test procedure, to better simulate normal use.

In addition, adjustment indicators will be required on air-braked vehicles equipped with external automatic brake adjusters that have an exposed pushrod. The vast majority of automatic brake adjusters are of this design. Adjustment indicators allow vehicle operators and inspectors to determine whether a service brake is out-of-adjustment.

The amendment also relaxes certain requirements for brake burnishing during the compliance test of an air-braked vehicle, by allowing up to three brake adjustments at intervals recommended by the vehicle manufacturer.

Out-of-adjustment truck brakes are a contributing factor in 3 per cent to 10 per cent of all heavy truck accidents. This amendment to require automatic brake adjusters could potentially prevent 12 fatal accidents, 240 injury-producing accidents, and 1,050 property-damage-only accidents per year. The annual cost of the requirement is estimated to be between \$6 million and \$9 million.

If we don't make this amendment, heavy trucks being operated with out-of-adjustment brakes will continue to threaten highway safety.

Transport Canada consults with both domestic and offshore vehicle manufacturers, and public safety organizations (which, among other affected parties, represent consumers), on regulatory development initiatives through regular meetings with associations representing these groups. It consults with other governments through regular meetings of the Canadian Council of Motor Transport Administrators, whose members include the provincial, territorial and federal governments.

This initiative was published in Part I of the *Canada Gazette* on August 26, 1995.

Legal authority: *Motor Vehicle Safety Act*, section 5

Contact: Winson Ng, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1949; Fax: (613) 990-2913.

Transportation of Dangerous Goods

TC/96-16-L

Transportation of Dangerous Goods Regulations - Updating Tank Standards

This amendment will reference updated versions of the following Canadian Standards Association (CSA) tank standards:

- CSA Preliminary Standard B620-1987, Highway Tanks and Portable Tanks for the Transportation of Dangerous Goods, dated October 1987 and amended February 1992;
- CSA Preliminary Standard B621-1987, Selection and Use of Highway Tanks, Portable Tanks, Cargo Compartments and Containers for the Transportation of Dangerous Goods, Classes 3, 4, 5, 6, and 8, in Bulk by Road, dated March 1987; and
- CSA Preliminary Standard B622-1987, Selection and Use of Highway Tanks, Multi-unit Tank Car Tanks and Portable Tanks for the Transportation of Dangerous Goods, Class 2, by Road, dated December 1987.

The Canadian Standards Association committee responsible for these standards is working to produce updated versions that will include the 400 series tank design. This is a superior integrity design. Over time, it will replace the 300 series tank design. Including the 400 series tank design and making other editorial changes will harmonize requirements with those of the United States. The cost is expected to be low to intermediate. Transport Canada will consult with standards committee at public meetings, if required, and at informal meetings with industry before publication in the *Canada Gazette*.

Legal authority: *Transportation of Dangerous Goods Act*, 1992, section 27

Contact: John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1154; Fax: (613) 993-5925.

TC/96-17-L

Transportation of Dangerous Goods Regulations - Updating Cylinder Standards

This amendment will reference updated versions of the following Canadian Standards Association (CSA) cylinder standards:

- National Standard of Canada CAN/CSA-B339-88, Cylinders, Spheres and Tubes for the Transportation of Dangerous Goods, dated February 1988 and amended January 1992; and
- National Standard of Canada CAN/CSA-B340-M88, Selection and Use of Cylinders, Spheres, Tubes and Other Containers for the Transportation of Dangerous Goods, Class 2, dated December 1988 and amended January 1992.

The Canadian Standards Association committee responsible for these standards is required by the CSA to review and update standards every five years. These standards were first referenced in the Transportation of Dangerous Goods Regulations in 1991. The committee is currently working on editorial changes that reflect industry practice. The cost is expected to be low. Transport Canada will consult with the standards committee at public meetings, if required, and at informal meetings with industry before publication in the *Canada Gazette*.

Legal authority: *Transportation of Dangerous Goods Act*, 1992, section 27

Contact: John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1154; Fax: (613) 993-5925.

TC/96-18-L

Transportation of Dangerous Goods Regulations - Omnibus

This initiative is a complete review of the Regulations, taking into account the departmental review, permits, comments on the Regulations since 1985 and clear language principles (e.g., tables of contents, headings, elimination of archaic language, short sentences, etc.). It will also include initiatives previously outlined in the *Federal Regulatory Plan*, such as empty drums, training, the Class 9 placard, exemptions for certain dangerous goods in quantities less than 500 kg, infectious waste, changes to Schedule XII and the Emergency Response Assistance Plan. The amendment is also expected to contain the intent of as many permits as possible.

The omnibus amendment should also to initiate a regular amending cycle to coincide with the three-year training requirement currently stated in the Regulations. Transport Canada will consult through federal/provincial meetings, the Transport Dangerous Goods General Policy Advisory Council, the *Dangerous Goods Newsletter* and informal consultation with industry before publication in the *Canada Gazette*.

Legal authority: *Transportation of Dangerous Goods Act*, 1992, section 27

Contact: John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1154; Fax: (613) 993-5925.

Future initiatives

Policy and Coordination Group

Bus Accessibility Regulations

These regulations will ensure that inter-city bus operators licensed to cross provincial and interprovincial boundaries will provide a consistent level of accessibility for persons with disabilities.

These regulations will establish comprehensive performance measures governing services, equipment and training.

Despite some progress in the last few years, the inter-city bus industry remains largely inaccessible to travellers with mobility disabilities. No overall plan exists to introduce accessibility features consistently to achieve a national accessible inter-city bus system.

Since September 1991, Transport Canada has had a program that gives successful applicants funds to purchase accessibility features for inter-city buses. This program expires in March 1996.

Over the past several years, the federal government has consulted widely with all key stakeholder groups to develop accessibility standards for the industry. The government intended to issue these as a federal regulation to be implemented and enforced by provinces and territories. It considered the views of consumers and advocates representing the disabled population, the industry, and provincial and territorial governments.

The current fiscal climate has resulted in new federal government directions for business and economic regulation. The government has taken a balanced

approach. On the one hand, federal subsidies to industry have been substantially reduced. On the other hand, government will not impose on industry any requirement that would impose capital costs that industry could not easily recover.

In keeping with these principles, the Minister of Transport has asked the inter-city bus industry to work with the disabled population to arrive at a consensus on a voluntary implementation strategy for inter-city bus accessibility.

In the event that an accord cannot be reached in a period of time deemed reasonable by the Minister of Transport, he will reconsider the regulatory approach. Passage of the proposed *Canada Transportation Act*, which was tabled in the House of Commons in June 1995, would enable the National Transportation Agency, with the Minister's approval, to make regulations in this area and to enforce their implementation.

Classification: Low-cost initiative

Contact: Carmen Hall, Acting Director, Accessible Transportation Policy and Programs Branch, Corporate Relations Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 991-6411; Fax: (613) 993-7930.

Airports Group

Airport Operations Regulations - Airside

The department is developing the Airport Operations Regulations to establish the rules and procedures for safely operating and parking vehicles, testing for and issuing a vehicle operating permit, parking aircraft, and moving pedestrians on the airside of airports not covered by the Air Regulations, but for which the airport manager or operator is responsible.

The Canadian Transportation Accident Investigation and Safety Board (formerly the Canadian Aviation Safety Board, or CASB), in its report on a special investigation into the risk of collision involving aircraft on or near the ground at Canadian civil airports (CASB 87-31, August 1987), recommended that Transport Canada: implement strengthened national standards for airport traffic directives as quickly as possible; ensure that airport managers have the requisite authority to enforce national airport directives; and require that all airports certified but not owned and operated by Transport Canada effectively meet the strengthened national standards for airport traffic directives.

The Board also recommended (CASB 87-31, August 1987) that Transport Canada: accelerate implementation of its standard Airside Vehicle Operators Permit (AVOP) system at aerodromes owned and operated by Transport Canada; and require that an equivalent process for AVOP training and certification be implemented at airports not owned and operated by Transport Canada.

There are no revenue increases or direct cost increases associated with this regulatory proposal.

Classification: Low-cost initiative

Contact: Richard J. Liberty, Chief, Airside Operations, Safety and Technical Services Directorate, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1418; Fax: (613) 957-4260.

Aviation Group

Aviation Occupational Safety and Health Regulations

The Aviation Occupational Safety and Health Regulations, which were issued under the *Canada Labour Code*, Part II and came into effect in March 1987, apply to employees employed on aircraft in operation. A committee of client groups and government officials is reviewing these regulations to consider possible amendments to clarify the Regulations and bring them technically up to date. Review (adjusted for industry-specific priorities) will also be required as future amendments are made to the Aviation Occupational Safety and Health Regulations.

An impact analysis will be done on each of the individual revised provisions. The nature and scope of the revisions will determine whether additional benefits and perhaps costs will result from these possible changes.

Classification: Low-cost initiative

Contact: Grant Mazowita, Director, Legislation and Compliance, Transport Canada, Place de Ville, Tower C, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel.: (613)990-1224; Fax: (613) 990-1198.

Surface Group

Road Safety and Motor Vehicle Regulation

Motor Vehicle Safety Regulations, Standard 210: Seat Belt Assembly Anchorages

The technical amendments to Standard 210 are being made to enhance the level of protection provided by seat belts by specifying improved seat belt geometry.

Specifically, the amendment limits the area in which seat belt anchorages can be installed by reducing the range of permitted lap belt angles from between 20° and 75° to between 30° and 75°. In addition, Transport Canada is making several changes to clarify the magnitude of the test loads and the way these are to be applied for specific seat belt anchorages.

This amendment is being prepared in conjunction with a amendment to Motor Vehicle Safety Regulations, Standard 208: Occupant Restraint.

The amendment is not expected to result in any additional costs to the industry, as it reflects current design practice. The amendment will be in harmony with similar regulations in the United States.

Transport Canada consults with both domestic and offshore vehicle manufacturers, as well as public safety organizations (which, among other affected parties, represent consumers), on this regulatory development initiative through regular meetings with associations representing these groups. Transport Canada will consult with other governments through regular meetings of the Canadian Council of Motor Transport Administrators, whose members include the provincial, territorial and federal governments.

Classification: Low-cost initiative

Contact: André St-Laurent, Vehicle Safety Engineer, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1964; Fax: (613) 990-2913.

Motor Vehicle Safety Regulations - Vehicle Overloading

This initiative addresses the concern that motor vehicles completed by multistage manufacturers are being built with insufficient cargo capacity or are exceeding the original manufacturer's stated gross vehicle weight rating. The amendment will include a requirement that manufacturers stay within the gross

vehicle weight rating established by the original manufacturer, and that the cargo-carrying and seating capacities be identified on vehicles such as motor homes, recreational trailers, vehicles manufactured from chassis with a cutaway cab, and altered vehicles.

The amendment would also redefine "unloaded vehicle mass" to clarify that this term means the mass of the unloaded vehicle when it is fully equipped to carry out its intended function.

The benefit of requiring a manufacturer to stay within the gross vehicle weight rating stated by the original manufacturer is that the vehicle will safely withstand loads that the original manufacturer designed it to withstand, and will not contribute to a collision. The possible cost of this amendment is that the manufacturer may have to build the vehicle on a heavier type of chassis. Some companies that upgrade the load carrying capacity of vehicles – by adding an extra axle or increasing the capacity of the springs, for instance – could be denied that sort of work.

The benefit of requiring that the vehicle's cargo-carrying capacity be identified is that the potential purchaser of the vehicle can see whether the capability of the vehicle is sufficient for the intended load. Including this information on the current compliance label or on a separate label would have minimal economic impact.

Transport Canada consults with both domestic and offshore vehicle manufacturers, as well as public safety organizations (which, among other affected parties, represent consumers), on regulatory development initiatives through regular meetings with associations representing these groups. Transport Canada will consult with other governments through regular meetings of the Canadian Council of Motor Transport Administrators, whose members include the provincial, territorial and federal governments.

Classification: Intermediate-cost initiative

Contact: Charles Morton, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1958; Fax: (613) 990-2913.

Motor Vehicle Safety Regulations, Standard 214: Side Door Strength (Dynamic Test)

This amendment will require that all passenger cars be capable of passing a full-scale dynamic crash test in which the car is struck on either side by a moving deformable barrier having a mass of 1,364 kg

(3,000 lb.). This test simulates a side-impact vehicle accident.

The amended regulation will include maximum loads that can be transferred, as a result of the crash, to instrumented test dummies inside the target vehicle. These values correlate to loads that the human body can sustain.

This amendment may cause manufacturers to make design changes to vehicles. It is estimated that these changes will cost between \$100 and \$150 per vehicle. In addition to vehicle changes, there may be extra costs for vehicle testing.

A benefit analysis, using 1986 data as a base, indicated that if a future Canadian vehicle fleet met all the amended requirements, fatalities would drop by 24 per cent. The benefit analysis predicted that, in addition to reducing fatalities, this amendment would also reduce major injuries proportionally.

This amendment will be similar to regulation already in place in the U.S. For this reason, the cost implication for manufacturers should not be significant, as a large proportion of the vehicles sold in Canada will be largely manufactured to meet similar U.S. regulations.

Transport Canada consults with both domestic and offshore vehicle manufacturers, as well as public safety organizations (which, among other affected parties, represent consumers), on regulatory development initiatives through regular meetings with associations representing these groups. Transport Canada consults with other governments through regular meetings of the Canadian Council of Motor Transport Administrators, whose members include the provincial, territorial and federal governments.

Classification: Major initiative

Contact: Dan Davis, Automotive Safety Engineer, Road Safety and Motor Vehicle Regulation, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1963; Fax: (613) 990-2913.

Motor Vehicle Safety Regulations, Standard 111: Rearview Mirrors

The amendment to the standard will prescribe a performance-oriented requirement for school bus mirror systems. The change will require bus drivers to be able to see, either directly or through mirrors, certain specified areas in front and along the sides of the bus. It will also specify image quality criteria for convex crossview mirrors.

The amendment will remove a restriction affecting the introduction of new mirror systems that may provide better glare protection. Specifically, the reference to prismatic-type mirrors will be replaced by broader terminology that will allow the use of electrochromic mirror technology. The changes will harmonize with the equivalent regulations in the United States, with the exception of the test procedure used to determine the field of view of school bus crossview mirrors.

Transport Canada with both domestic and offshore vehicle manufacturers, as well as public safety organizations (which, among other affected parties, represent consumers), on regulatory development initiatives through regular meetings with associations representing these groups. Transport Canada consults with other governments through regular meetings of the Canadian Council of Motor Transport Administrators, whose members include the provincial, territorial and federal governments.

Classification: Intermediate-cost initiative

Contact: Paul Lemay, Engineer, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1967; Fax: (613) 990-2913.

Motor Vehicle Safety Regulations, Standard 108: Lighting Equipment

This initiative would require new lighting devices, including: side turn signals on long heavy-duty vehicles to clearly indicate turns; lamps to illuminate the ground beside the exit doors of transit buses to improve safety of alighting passengers; and stop lamp switches on drive line retarders of heavy trucks and buses to warn following drivers that the vehicle is slowing when the retarder is activated without the brakes. Distances of lamps from the edge of the vehicle and the road surface, for example, will be more clearly defined to minimize regulatory interpretations and enforcement difficulties. No practical alternatives to this initiative have yet been identified.

The department will consult with industry, other governments and the public. It will do this by republishing the proposed initiative in Part I of the *Canada Gazette* and through other means.

Classification: Intermediate-cost initiative

Contact: James G. White, Head, Crash Avoidance Engineering, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada

Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5.
Tel.: (613) 998-1965; Fax: (613) 990-2913.

Motor Vehicle Safety Regulations, Standard 207: Anchorage of Seats

This amendment will eliminate a technical deficiency in the test method used to establish compliance with this standard. The deficiency arises when the centre of gravity of the combined seat, seat adjuster and pedestal of a pedestal-mounted seat passes through the pedestal. The amendment eliminates this deficiency by requiring that two forces, one through the pedestal and one through the seat, be applied simultaneously during the test. No practical alternatives to this initiative have yet been identified.

The department will consult with industry, other governments and the public. It will do this by prepublishing the proposed initiative in Part I of the *Canada Gazette* and through other means.

Classification: Low-cost initiative

Contact: Darwin S. Van Dusen, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1962; Fax: (613) 990-2913.

Motor Vehicle Safety Regulations, Standard 210.1: Tether Anchorages

This initiative would extend the applicability of the child restraint tether anchorage requirement to multipurpose passenger vehicles. A regulation requiring tether anchorages in passenger cars became effective on January 1, 1989. No practical alternatives to this initiative have yet been identified.

The department will consult with industry, other governments and the public. It will do this by prepublishing the proposed initiative in Part I of the *Canada Gazette* and through other means.

Classification: Intermediate-cost initiative

Contact: André St-Laurent, Vehicle Safety Engineer, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1964; Fax: (613) 990-2913.

Motor Vehicle Safety Regulations, Standard 1106: Noise

This amendment will specify reduced exterior noise emissions for heavy trucks.

The amendment lowers the maximum permissible noise levels emitted by heavy trucks by 3 to 5 dBA, depending on the test procedure. The amendment also requires chassis-cabs to be certified to comply with the noise regulations.

This amendment will make it easier to ship domestically manufacturers trucks across provincial borders and to export them to either Europe or the United States. There are no other effective means of implementing these changes. Not amending this regulation could result in additional testing costs and could unduly delay the introduction of quieter trucks.

The department will consult with industry, other governments and the public. It will do this by prepublishing the proposed initiative in Part I of the *Canada Gazette* and through other means.

Classification: Intermediate-cost initiative

Contact: John Neufeld, Engineer, Road Safety and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1959; Fax: (613) 990-2913.

Motor Vehicle Safety Regulations, Standard 223: Rear Impact Guards

This amendment would reduce fatalities and injuries to occupants of passenger cars and other relatively lightweight vehicles that crash into the back of heavy highway trailers. It would do so by requiring the rear of the trailers to be fitted with a guard of sufficient strength and dimensions to prevent the rear of the trailer from penetrating the windshield of the striking vehicle. No practical alternatives to this initiative have yet been identified.

The department will consult with industry, other governments and the public. It will do this by prepublishing the proposed initiative in Part I of the *Canada Gazette* and through other means.

Classification: Intermediate-cost initiative

Contact: Darwin S. Van Dusen, Road and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1962; Fax: (613) 990-2913.

Motor Vehicle Safety Regulations - Certification of Incomplete Vehicles

This amendment would establish processes for certifying vehicles that are built in two or more stages so that they meet applicable safety and emissions

requirements. No practical alternatives to this initiative have yet been identified.

The department will consult with industry, other governments and the public. It will do this by republishing the proposed initiative in Part I of the *Canada Gazette* and through other means.

Classification: Low-cost initiative

Contact: Darwin S. Van Dusen, Road and Motor Vehicle Regulation Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 998-1962; Fax: (613) 990-2913.

Transportation of Dangerous Goods

The Transportation of Dangerous Goods Directorate will consult with industry, the provinces and other federal government departments, and through the *Canada Gazette*. These discussions will provide an opportunity to consider alternatives to the following proposed changes.

Transportation of Dangerous Goods Regulations - Explosives Transport

The Explosives Division of Natural Resources Canada is completely reorganizing and revising the regulations made pursuant to the *Explosives Act*. Those provisions in the Explosives Regulations dealing with explosives transport will be incorporated into the Transportation of Dangerous Goods Regulations by this amendment.

This initiative will not change the cost of explosives transport in Canada as it will reiterate the requirements for explosives transport under the Explosives Regulations. Some provisions of the Explosives Regulations, which have become outmoded, will be repealed.

Classification: Low-cost initiative

Contact: John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1154; Fax: (613) 993-5925.

Transportation of Dangerous Goods Regulations - IMDG Clarification

This amendment will clarify and streamline the alternative of using the International Maritime Dangerous Goods Code (IMDG Code) to comply with the Transport of Dangerous Goods (TDG) Regulations. The International Maritime Organization

developed the IMDG code for the marine transport of dangerous goods. To allow shipments to proceed from their place of origin to their destination when part of the trip is via ship, the TDG Regulations allow IMDG shipments to travel by road or rail. However, some of the requirements of the IMDG Code are inappropriate for land transport and some provisions of the TDG Regulations may enhance the safe transport of dangerous goods by ship.

The main results of this amendment will be record-keeping and administrative changes. Cost to industry should be minimal. Better information and information retrieval systems will improve public safety.

Classification: Low-cost initiative

Contact: John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Transport Canada, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel.: (613) 990-1154; Fax: (613) 993-5925.

Content

Initiatives for 1996

Assignment of Crown Debt Regulations.....221

Government Contracts Regulations -
Amendment222

Interest on Overdue Accounts Regulations223

Members of Parliament Retiring Allowances223

Payments to Estate Regulations, 1990223

Pension Protection.....221

Public Sector Pension Reform222

Public Service Early Retirement Incentive223

Public Service Superannuation.....222

Review of "Internal" Financial Management
Regulations.....224

Security for Debts Due to Her Majesty
Regulations.....223

General information

Roles and responsibilities

The Treasury Board is a committee of the Queen's Privy Council for Canada. The Board consists of the President of the Treasury Board, the Minister of Finance and four other Ministers who are nominated by the Governor in Council.

The Treasury Board Secretariat, headed by the Secretary, is an organization which serves the Treasury Board and shapes the financial management practices of departments.

The main role of the Treasury Board is the management of the government's financial, personnel, official languages, regulatory affairs and administrative responsibilities. It sets policy in these areas, examines and approves the proposed spending and non-tax revenue plans of government departments, and reviews the development of approved programs.

Legislative mandate

The principal legislative authorities for the Treasury Board are the following:

- *Financial Administration Act*
- *Official Languages Act*
- *Public Service Staff Relations Act*

The Treasury Board is also authorized to exercise the regulation-making authority of the Governor in Council to implement:

- *Public Service Superannuation Act*
- *Supplementary Retirement Benefits Act* and other superannuation acts

Initiatives for 1996

TBS/R-1-L
Assignment of Crown Debt Regulations

These regulations define the classes of payments due a person by the federal government that may be assigned to another person (usually a creditor) and outline the procedures to be followed when doing so. They are revised periodically as programs are wound up and new programs established. Other changes may also be made to this regulation as an adjunct to the review of regulations described below under TBS/96-4-L, "Review of 'internal' Financial Management Regulations."

Legal authority: *Financial Administration Act*, section 71

Contact: Robin Findlay, Director, Financial Authorities, Comptroller Sector, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9668; Fax: (613) 952-9613.

TBS/R-2-L
Pension Protection

The government's transfer or other type of divestiture initiatives may involve regulations providing for special pension arrangements for the affected Public Service employees.

The application of such regulations will be limited to those employees who cease employment as a result of a transfer or other type of divestiture.

Legal authority: *Public Service Superannuation Act*, sections 40.1 and 42.1

Contact: Joanne Lee, Chief, Pensions Legislation Development Group, Pensions and Benefits Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 952-3233; Fax: (613) 952-3240.

TBS/94-13-L

Government Contracts Regulations - Amendment

The Government Contracts Regulations (GCRs) prescribe the conditions governing the entry into contracts for goods and services (including construction), and the conditions for the provision of security to protect the interests of the Crown in such contracts; the GCRs form the legal basis of the Contracting Policy. On January 1, 1994, the North American Free Trade Agreement came into force; in mid-1995, the Federal-Provincial Agreement on Internal Trade will come into effect, to be followed on January 1, 1996 by the new General Agreement on Tariffs and Trade. All three of these Agreements prescribe a similar set of conditions governing the entry into many of the same contracts. To provide a comprehensive Federal Government procurement policy and legal framework for departments and agencies which is harmonized with these agreements, it is proposed that the GCRs and the Contracting Policy be amended, as appropriate, to minimize any differences.

Harmonization of the Contracting Policy with these procurement policies, including related amendments to the GCRs, could be expected marginally to reduce the administrative burden and costs associated with contracting for both government and industry, and should facilitate the ability of industry to access government procurement.

Legal authority: *Financial Administration Act*, subsection 41(1)

Contact: Martin Dunn, Contract, Project and Risk Management Division, Financial and Contract Management Sector, Financial and Information Management Branch, 10th Floor, L'Esplanade Laurier, East Tower, 140 O'Connor Street, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-4188; Fax: (613) 952-1381.

TBS/93-2-L

Public Service Superannuation

The existing regulations are to be amended to update statutory references, which references are necessary to carry out certain elective service provisions of the Public Service Superannuation Act (PSSA). Amendments are also planned to amplify the existing provisions dealing with cases where erroneous advice was given.

The application of these amendments is limited to those PSSA contributors who elect under existing statutory provisions.

Legal authority: *Public Service Superannuation Act*, section 42

Contact: Joanne Lee, Chief, Pensions Legislation Development Group, Pensions and Benefits Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 952-3233; Fax: (613) 952-3240.

TBS/93-3-I

Public Sector Pension Reform

Royal Assent was given in September 1992 to public service pension reform legislation which contains enabling provisions whereunder regulations were to be made to establish the details of several changes to the existing programs. Almost all of these regulatory initiatives have already been completed. The most significant project yet to be completed is the regulations to bring the public service pension plans into compliance with the requirements of the *Income Tax Act* and its regulations for registered pension plans, as those requirements existed on January 15, 1992. The new *Special Retirement Arrangements Act* complements the tax compliance exercise by authorizing the Governor in Council to establish "retirement compensation arrangements" to provide supplementary retirement benefits. The pension reform regulation project will also include the technical corrections and housekeeping improvements which have become necessary over the years. The pension plans affected include the *Public Service Superannuation Act*, the *Canadian Forces Superannuation Act* and the *RCMP Superannuation Act*.

Legal Authority: An act to amend certain acts in relation to pensions and to enact the *Special Retirement Arrangements Act* and the *Pension Benefits Division Act*

Contact: Joanne Lee, Chief, Pensions Legislation Development Group, Pensions and Benefits Division, Treasury Board Secretariat, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 952-3233; Fax: (613) 952-3240.

TBS/96-1-L

Members of Parliament Retiring Allowances

The 1995 amendments to the *Members of Parliament Retiring Allowances Act* provide for the operating or technical details of certain of the substantive changes to be set by regulation. Therefore regulations are planned to cover election formalities and actuarial calculations relating to operational pension coverage for spouses, the recovery procedures relating to the double-dipping restrictions and the prescription of the specific annual *Income Tax Act* limits for the registered portion of the pension benefits. In addition the existing regulations must be revised to coincide with the restructuring of the pension arrangements contained in the 1992 public service pension reform legislation.

Legal authority: *Members of Parliament Retiring Allowances Act*, section 64

Contact: Joan Arnold, Senior Legislation Officer, Pensions Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 952-3119; Fax: (613) 952-3240.

TBS/96-2-I

Public Service Early Retirement Incentive

Regulations were made in 1995 under the *Special Retirement Arrangements Act* authorizing a three-year Early Retirement Incentive Program for those employees affected by the Government's major downsizing program who met specified age and employment criteria. Amendments will be made to those regulations to cover additional federal Public Service entities whose personnel complement must be significantly reduced as part of continuing downsizing initiatives.

Legal authority: *Special Retirement Arrangements Act*

Contact: Joanne Lee, Chief, Pensions Legislation Development Group, Pensions and Benefits Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, 300 Laurier Avenue West, Ottawa,

Ontario, K1A 0R5. Tel.: (613) 952-3233; Fax: (613) 952-3240.

TBS/94-5-I

Interest on Overdue Accounts Regulations

The purpose of these regulations is to encourage users of government services and facilities who are in a position to repay their debts to discharge their obligations to the Crown in a timely fashion and to obtain compensation for the government's additional borrowing costs when they fail to do so, or when they make a payment with a "NSF" cheque.

Legal authority: *Financial Administration Act*, section 155.1

Contact: Robin Findlay, Director, Financial Authorities, Comptroller Sector, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9668; Fax: (613) 952-9613.

TBS/94-6-L

Security for Debts Due to Her Majesty Regulations

These regulations are required to set out the control framework for accepting and subsequently realizing on or discharging security for debts owing to the federal government. Other changes may also be made to this regulation as an adjunct to the review of regulations described below under TBS/96-4-L, "Review of 'internal' Financial Management Regulations."

Legal authority: *Financial Administration Act*, section 156

Contact: Gilles Vézina, Project Manager, Financial Policy Division, Financial and Contract Management Sector, Financial and Information Management Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9660; Fax: (613) 952-9613.

TBS/96-3-L

Payments to Estate Regulations, 1990

These regulations are required to set out the control framework relating to amounts payable to a deceased person. The changes considered are of the same nature as those contemplated under the review of regulations described below under TBS/96-4-L, "Review of 'Internal' Financial Management Regulations."

Legal authority: *Financial Administration Act*, section 10

Contact: Gilles Vézina, Project Manager, Financial Management Policy Division, Financial and Contract Management Sector, Financial and Information Management Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9660; Fax: (613) 952-9613.

TBS/96--4--L

Review of "Internal" Financial Management Regulations

"Internal" financial management regulations are those that do not generally affect the public directly, but establish the control framework for financial management processes within federal government departments. These include the:

- **Accountable Advances Regulations**, which set out the control framework for issuing, accounting for, and repaying or recovering accountable advances (principally travel, removal and petty cash) issued to federal public servants and, occasionally, others on contract to the federal government;
- **Cheque Issue Regulations**, which set the out control framework for issuing Receiver General "cheques";
- **Debt Write-off Regulations, 1994**, which set out the control framework for writing off bad debts owing to federal government departments;
- **Destruction of Paid Instrument Regulations**, which set the control framework for destroying Receiver General "cheques" and other Receiver General payment instruments after they have been cashed;
- **Direct Deposit Regulations**, which set out the control framework for making federal government payments by means of direct deposit;
- **Electronic Payments Regulations**, a new regulation which will set out the control framework for making federal government payments by means of electronic instructions;
- **Payment Requisitioning Regulations**, which set out the control framework to be followed by federal government departments when requesting the Receiver General to issue a payment on their behalf;
- **Receipt and Deposit of Public Money Regulations**, which set out the control framework to be followed by federal government departments and public officers when collecting or receiving public money;

- **Repayment of Receipts Regulations**, which set out the control framework for repayment by federal government departments of deposits, money received in error and money received in excess of the amount required; and
- **Revenue Trust Account Regulations**, which set out the control framework relating to revenue trust accounts.

As part of the government-wide review of regulations that departments have been asked to undertake, these are being streamlined and modernized or, if no longer needed, revoked entirely, in a process that will take two or three years to complete.

Legal authority: *Financial Administration Act*, sections 10, 17(s), 20, 25(1), 36(2) and 38(1)

Contact: Gilles Vézina, Project Manager, Financial Management Policy Division, Financial and Contract Management Sector, Financial and Information Management Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5. Tel.: (613) 957-9660; Fax: (613) 952-9613.

Content

Initiatives for 1996

Assistance Fund (W.V.A. and C.W.A.)
Regulations.....226

Deceased or Former Members Dependants
Payment Order - Revocation226

Gallantry Awards Order226

Infant or Person of Unsound Mind Payment
Order - Revocation226

Vetcraft Shops Regulations - Revocation226

Veterans Allowance Regulations227

Veterans Health Care Regulations -
Housekeeping227

Future initiatives

Benefits Redesign Project.....227

Education Programs - Discontinuation227

Guardianship of Veterans’ Benefits228

Veterans’ Land Regulations228

General information

Roles and responsibilities

Veterans Affairs Canada is responsible for the administration of 16 acts and 32 sets of regulations and orders. These instruments give the Minister the authority to provide programs aimed at ensuring the economic, social, mental and physical well-being of veterans, specified persons and their dependants. The range of services provided includes income support, disability pensions, health care including special equipment and long-term care, counselling, the acquisition of title to property and commemoration.

Legislative mandate

The following legislation is administered by Veterans Affairs Canada:

Statutes

- *Army Benevolent Fund Act*
- *Children of Deceased Veterans Education Assistance Act*
- *Department of Veterans Affairs Act*

- *Merchant Navy Veteran and Civilian War-related Benefits Act*
 - *Pension Act*
 - *Returned Soldiers’ Insurance Act*
 - *Soldier Settlement Act*
 - *Special Operators War Service Benefits Act*
 - *Supervisors War Service Benefits Act*
 - *Veterans Benefit Act*
 - *Veterans Insurance Act*
 - *Veterans Review and Appeal Board Act*
 - *Veterans’ Land Act*
 - *War Service Grants Act*
 - *War Veterans Allowance Act*
 - *Women’s Royal Naval Services and the South African Military Nursing Service (Benefits) Act*
- Regulations and Orders
- *Army Benevolent Fund Regulations*
 - *Assistance Fund (W.V.A. and C.W.A.) Regulations*
 - *Award Regulations*
 - *Canadian Volunteer Service Medal Order*
 - *Children of Deceased Veterans Education Assistance Regulations*
 - *Civilian Government Employees (War) Compensation Order*
 - *Deceased or Former Members Dependants Payment Order*
 - *Delegation of Powers (VLA) Regulations*
 - *Execution of Purchase of Property Documents Regulations*
 - *Flying Accidents Compensation Regulations*
 - *Gallantry Awards Order*
 - *Guardianship of Veterans’ Property Regulations*
 - *Infant or Person of Unsound Mind Payment Order*
 - *Last Post Fund Regulations, 1995*
 - *Memorial Cross Order (World War I)*
 - *Memorial Cross Order (World War II)*
 - *Merchant Seaman Vocational Training Order*
 - *Pension and Allowance Adjustment Regulations*
 - *Pensioners Training Regulations*
 - *Prescribed Persons and Organizations Regulations*
 - *Returned Soldiers’ Insurance Regulations*
 - *Special Duty Area Pension Order*
 - *Vetcraft Shops Regulations*
 - *Veterans Allowance Regulations*
 - *Veterans Burial Regulations, 1995*
 - *Veterans Estates Regulations*
 - *Veterans Health Care Regulations*
 - *Veterans Insurance Regulations*
 - *Veterans’ Land Regulations*

- Veterans Review and Appeal Board Regulations
- Veterans Treatment Regulations
- War Service Grants Regulations

Administrative arrangements

Veterans Affairs Canada has shared responsibility for the administration of parts of the following acts:

- *Aeronautics Act*
- *Appropriation Act No. 10, 1964, Schedule B, National Defence Vote 58a*
- *Halifax Relief Commission Pension Continuation Act*
- *Royal Canadian Mounted Police Pension Continuation Act*
- *Royal Canadian Mounted Police Superannuation Act*

Initiatives for 1996

VAC/96-1-L

Assistance Fund (W.V.A. and C.W.A.) Regulations

The Regulatory Review in 1993 recommended the replacement of these regulations with updated regulations reflecting present-day administration of the program. The Assistance Fund provides emergency grants of up to \$500 per year to clients in receipt of war veterans allowances.

Legal authority: *Department of Veterans Affairs Act*, subsection 5(1)

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

VAC/96-2-L

Deceased or Former Members Dependants Payment Order - Revocation

The Regulatory Review in 1993 recommended the removal of this order as obsolete. It dealt with the payment of post-war grants and other benefits to veterans' dependants when the veteran was deceased.

Legal authority: *War Service Grants Act*, subsection 5(2)

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

VAC/96-3-L

Gallantry Awards Order

This order authorizes the payment of gallantry annuities to holders of various medals for heroism in war, such as the Victoria Cross and the Distinguished Flying Cross. As a consequence of the replacement of the Canadian Pension Commission by the new Veterans Review and Appeal Board under Bill C-67 (now S.C. 1995, chapter 18), a consequential change is needed to this order.

Legal authority: other than statutory (the Royal prerogative)

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

VAC/96-4-L

Infant or Person of Unsound Mind Payment Order - Revocation

The Regulatory Review in 1993 recommended the removal of this order as obsolete. It dealt with the payment of post-war grants and other benefits to other individuals when the veteran was of unsound mind.

Legal authority: *War Service Grants Act*, subsection 5(3)

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

VAC/96-5-L

Vetcraft Shops Regulations - Revocation

The Budget of February 1995 included the discontinuation of the Vetcraft shops operation, which has provided protected employment to handicapped ex-members of the armed forces in the production of poppies for the Royal Canadian Legion. Very few actual veterans were using this program, and it was no longer needed. By arrangement with the Legion, the annual production of poppies will be taken over by them after 1995. It is therefore planned to remove the Vetcraft Shops Regulations early in 1996.

Legal authority: *Department of Veterans Affairs Act*, subsection 5(1)

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

VAC/96-6-L

Veterans Allowance Regulations

Under the *War Veterans Allowance Act*, there is provision for paying higher benefits to clients who are blind. The existing definition of blindness will be clarified by adding additional administrative criteria to the Regulations for the recognition of blindness. As well, the Regulatory Review of 1993 recommended simplification of the provision dealing with the reimbursement to provinces and municipalities of advance payments made to clients awaiting their allowances. Other housekeeping amendments are also planned to update cross-references to other enactments and to ensure gender neutrality.

These changes will incur no additional costs. Clients who are blind will benefit from a speedier determination of their entitlement to benefits. Consultation with the principal veterans' organizations is planned.

Legal authority: *War Veterans Allowance Act*, section 25

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

VAC/96-7-L

Veterans Health Care Regulations - Housekeeping

A number of administrative and housekeeping changes are needed to these regulations, which authorize the provision of many different forms of health care to veterans. For example, a number of provisions deal with benefit rates which applied during various periods in the past, which should now be removed as obsolete.

Legal authority: *Department of Veterans Affairs Act*, subsection 5(1)

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

Future initiatives

Benefits Redesign Project

In 1993, Veterans Affairs Canada embarked on this project to assess opportunities for using innovation in service delivery systems and improvements in benefit administration to make client service delivery more efficient. The project's concept phase was completed in February 1995.

In the concept phase, Veterans Affairs Canada developed a business solution. Four options were examined and, after a comparative analysis, the option selected for further definition was to integrate the service delivery requirements of Veterans Affairs into the client service delivery network being developed for the Income Security Programs Branch of Human Resources Development Canada.

As this project passes through its scheduled definition and implementation phases over the next few years, there should not be any requirement for legislative changes to implement the business solution; however, legislative and regulatory changes may be pursued to enhance its overall effectiveness.

Veterans' organizations and stakeholders such as Treasury Board and impacted departments will be fully consulted as the project evolves.

Classification: Intermediate-cost initiative

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

Education Programs - Discontinuation

The Budget of February 27, 1995 included the phased discontinuation of two education programs, the Pensioners Training Regulations and the *Children of Deceased Veterans Education Assistance Act*. Currently enrolled clients may continue their education programs to completion, but no new clients may be admitted. It is planned, therefore, to repeal these programs in several years, after the last clients have completed their education programs.

Classification: Low-cost initiative

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

Guardianship of Veterans' Benefits

Legislation was passed in 1990 to authorize modernized regulations dealing with cases where clients suffer from decreased ability to manage their own financial affairs, and allowing such alternative payment procedures as third-party or departmental administration for the client's benefit or transfer to a provincially recognized guardian. Legal problems with some aspects of these proposals have been revealed, and a reassessment of this initiative is planned.

Classification: Low-cost initiative

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

Veterans' Land Regulations

It is anticipated that amendments to the *Veterans' Land Act* may be sought to implement proposals of the Agencies Review conducted under the President of the Privy Council. The existing system of ten "provincial advisory boards" – which review and approve any proposed action to be taken when a veteran's property case falls into default – may be replaced with a single streamlined committee. As well, the Regulatory Review of 1993 recommended the removal of the Delegation of Powers (VLA) Regulations and the Execution of Purchase of Property Documents Regulations as obsolete, but their removal may require amendments to the *Veterans' Land Act*.

Should these amendments be passed by Parliament, consequential changes will be required to the Veterans' Land Regulations. These changes would incur no costs; the main impact would be a less cumbersome procedure to follow in those rare cases where default arises.

Classification: Low-cost initiative

Contact: Richard A. Brunton, Director, Portfolio Legislation, Portfolio Executive Services, Veterans Affairs Canada, Room 1612, 66 Slater Street, Ottawa, Ontario, K1A 0P4. Tel.: (613) 996-4173; Fax: (613) 941-5434.

Atlantic Canada Opportunities Agency

Content

Initiative for 1996

ACOA Loan Insurance	229
---------------------------	-----

General information

Roles and responsibilities

The Atlantic Canada Opportunities Agency (ACOA) is a federal government agency headquartered in Moncton, New Brunswick. It was created in June 1987 to support and promote economic development of Atlantic Canada by developing and implementing policies, programs and projects, with particular emphasis on small and medium-sized enterprises. ACOA's key partners in the development of the Atlantic Canada economy are businesses, provincial governments, municipal governments, institutions, business and community associations, universities and those federal departments whose policies significantly affect the economy of the region.

Legislative mandate

The Agency derives its mandate from Part I of the *Government Organization Act*, Atlantic Canada 1987 R.S., chapter 41 (4th suppl.) otherwise known as the *Atlantic Canada Opportunities Agency Act*.

Initiative for 1996

ACOA/96-1-L

ACOA Loan Insurance

These regulations provide insurance for up to 90 per cent of a loan made by a commercial lender to an Atlantic Canada applicant to finance the establishment, expansion or modernization of a commercial enterprise. ACOA inherited the Loan Insurance program from the Department of Regional Industrial Expansion (DRIE) and has operated the program since early 1990. The present regulations (SOR/95-470) include a sunset date of September 30, 1996.

The Department of Finance is in the process of reviewing national policies regarding loan insurance and requested the early sunset date to permit an amendment of the ACOA Loan Insurance Regulations,

in 1996, to conform with the national policies being finalized. It is anticipated that the planned amendment will be developed by mid-1996 and will serve to extend the program and effect minor changes. As a result of ACOA's increased focus on small and medium-sized businesses, the use of loan insurance has declined. However, an extensive review of the program, carried out in 1992, concluded that the Loan Insurance program is a useful regional development tool and should be continued. ACOA funds a reserve for bad debts. The renewal of this program will not result in any costs beyond approved reference levels.

Legal authority: *Atlantic Canada Opportunities Agency Act*, section 13(f) and section 20(2)(a)

Contact: John Hutchinson, ACOA, P.O. Box 6051, Moncton, New Brunswick, E1C 9J8.
Tel.: (506) 851-3818; Fax: (506) 851-7403.

Content

Initiatives for 1996

Cost Recovery Fees Regulations - Amendments.....	231
Radiation Protection Regulations	230
Uranium Mines (Ontario) - Occupational Health and Safety	231

General information

Roles and responsibilities

The Atomic Energy Control Board (AECB) is a federal Crown corporation established in 1946 by the *Atomic Energy Control Act*. To ensure that the use of nuclear energy in Canada does not pose undue risk to health, safety, security and the environment, the AECB regulates and licences nuclear materials and prescribed substances in co-operation with other federal and provincial departments in such areas as health, environment, transport and labour.

The AECB sets standards, imposes requirements and assesses applicants' capabilities to comply. Once a licence is issued, the AECB carries out compliance inspections to ensure adherence to licence conditions and the Atomic Energy Control Regulations. To ensure that Canada's national policies and international commitments relating to the non-proliferation of nuclear explosives are met, the AECB controls all imports and exports of nuclear materials and items, in co-operation with other federal government agencies.

The AECB is responsible for the designation of nuclear installations for the purposes of the *Nuclear Liability Act*. It also prescribes basic insurance to be carried by the operators of such designated installations. The amount of basic insurance is subject to approval by Treasury Board.

Legislative mandate

The following legislation is administered by the Atomic Energy Control Board:

- *Atomic Energy Control Act*
- *Nuclear Liability Act*

Initiatives for 1996

AECB/92-4-I

Radiation Protection Regulations

This initiative will bring Canadian regulations into line with the latest recommendations of the International Commission on Radiological Protection (ICRP). Review and analysis by the Commission of recent information on the health effects of radiation have indicated that radiation dose limits should be lowered. The AECB proposes to adopt the Commission's recommendations, with few changes.

The new limits are expected to have little socio-economic effect on most of the nuclear industry, but certain specific sectors may experience difficulties in meeting the new limits, particularly underground uranium mining; hence there is a possibility of significant socio-economic impacts in these sectors. In order to ascertain the anticipated impacts more precisely, a consultative document was sent to all licensees. In addition, a questionnaire which seeks details of specific financial, technical and social impacts of the new limits was sent to all licensees of major facilities and to a representative sample of all other licensees. The consultative document was also sent to other organizations and members of the public who would be affected or have an interest in the matter.

Analysis of the information received from the consultative document and questionnaire has led to some modifications of the original proposals. This will lessen the socio-economic impact on the uranium mining industry and the nuclear generating industry without departing from the recommendations of the ICRP. The socio-economic impact of the dose limit for pregnant radiation workers in order to protect the fetus has been addressed by means of a series of public meetings set up by the AECB to provide the opportunity for those concerned to express their views and contribute towards developing a suitable form of regulation. A revised proposal based on the recommendations presented at the meetings has been developed.

The new limits will benefit workers and the public by keeping risks of adverse health effects from radiation exposures to levels comparable to risks from other occupational and environmental factors.

Legal authority: *Atomic Energy Control Act*, section 9

Contact: John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9. Tel.: (613) 992-9206; Fax: (613) 995-5086.

AECB/R-1-I

Uranium Mines (Ontario) - Occupational Health and Safety

These amendments arise from changes to referenced Ontario regulations.

The Uranium Mines (Ontario) Occupational Health and Safety Regulations enable the application of Ontario laws respecting non-radiological health and safety in uranium mines. To ensure conformity, the legal reference in federal regulations must be amended each time the Province of Ontario decides to amend the Ontario *Occupational Health and Safety Act* and Regulations.

To assess the impact of amended regulations, the Province of Ontario carries out a process for public consultation.

Legal authority: *Atomic Energy Control Act*, section 9

Contact: John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9. Tel.: (613) 992-9206; Fax: (613) 995-5086.

AECB/R-2-I

Cost Recovery Fees Regulations - Amendments

The fees levied under these regulations are intended to recover the costs incurred by the AECB in the regulation assessment and compliance inspection of licensees. The regulations resulted from government policy respecting the recovery of such costs from the regulated industry. An annual review of the actual costs of the licensing activities will result in adjustments to the fees schedule to ensure that fees reflect as closely as possible the costs associated with the various licensing activities.

Legal authority: *Atomic Energy Control Act*, section 9

Contact: John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9. Tel.: (613) 992-9206; Fax: (613) 995-5086.

Canada Mortgage and Housing Corporation

Content

Initiatives for 1996

Loan Insurance and Mortgage-backed Securities232

Social Housing Portfolio232

Future initiative

Loan Insurance Products233

General information

Roles and responsibilities

Canada Mortgage and Housing Corporation (CMHC) is a federal Crown corporation. It was established by the *Central Mortgage and Housing Corporation Act* in 1946 to administer federal housing legislation. The present name was adopted in 1979.

The principal role of the Corporation is the administration of the *National Housing Act* (NHA), which includes administering: residential mortgage loan insurance; timely payment of mortgage-backed securities; land and housing development; loans and subsidies on behalf of the government; housing and related research of all kinds; loans, investments and other assets of the Corporation; and technical services provided to other federal departments and agencies and to home warranty programs.

Programs that CMHC administers or actively delivers include mortgage loan insurance, NHA Mortgage-backed Securities, residential rehabilitation assistance, rent supplement, public housing, non-profit housing, urban native non-profit housing, rural and native housing, on-reserve housing, former lending programs, development of federal land, demonstration projects and support of research.

Social housing programs may also be delivered by provinces or territories subject to cost-sharing arrangements.

The National Housing Loan Regulations and various orders in council are enabling in nature, providing for program detail not contained in the NHA.

Legislative mandate

CMHC administers the following statutes:

- *Canada Mortgage and Housing Corporation Act*
- *National Housing Act*

Initiatives for 1996

CMHC/93-1-L

Loan Insurance and Mortgage-backed Securities

These amendments will reflect the continual review of the effectiveness of regulations in light of business and policy evolution. Areas to be addressed may include more flexible loan security, advancing and repayment arrangements, lenders' undertakings on loan insurance claims, fire insurance requirements for insured social housing loans, guarantee requirements, more flexible repayment of debenture loans, and net worth, loan, security and loan-pool requirements for NHA Mortgage-backed Securities issuers, as well as housekeeping matters. The amendments will simplify some procedures and support cost-effectiveness.

This initiative first appeared in its present form in 1993 and includes initiatives that appeared in the 1992 *Federal Regulatory Plan* as initiative numbers CMHC-1, CMHC-2 and CMHC-5.

Legal authority: *National Housing Act*, sections 20, 21.4 and 101

Contact: Douglas G. Dennis, Director, Insurance Products Division, CMHC National Office, 700 Montreal Road, Ottawa, Ontario, K1A 0P7. Tel.: (613) 748-4675; Fax: (613) 748-2606.

CMHC/96-2-L

Social Housing Portfolio

These amendments will support proposals to make administration of the existing portfolio of federally assisted social housing more efficient and effective, by harmonizing existing programs, streamlining administration and taking other measures.

Legal authority: *National Housing Act*, section 101

Contact: Douglas V. Tyler, Director, Legal Division, CMHC National Office, 700 Montreal Road, Ottawa,

Future initiative

Loan Insurance Products

Some interest has been expressed in making loan insurance more readily available for land and construction and in making it available in higher loan ratios. If these ideas are adopted, there will be supporting changes to regulations.

Classification: Low-cost initiative

Contact: Douglas G. Dennis, Director, Insurance Products Division, CMHC National Office, 700 Montreal Road, Ottawa, Ontario, K1A 0P7.
Tel.: (613) 748-4675; Fax: (613) 748-2606.

Canadian International Trade Tribunal

Content

Initiative for 1996

Canadian International Trade Tribunal

Rules - Amendments234

General information

Roles and responsibilities

The Canadian International Trade Tribunal (the Tribunal) is an administrative tribunal operating within Canada's trade remedies system. It is an independent quasi-judicial body that carries out its statutory responsibilities in an autonomous and impartial manner. For purposes necessary or proper for the due exercise of its jurisdiction, it has the powers, rights and privileges vested in a superior court of record.

The Tribunal's mandate is to conduct inquiries into whether dumped or subsidized imports are causing injury to Canadian production; conduct inquiries into complaints by domestic producers that increased imports are causing, or threatening to cause, serious injury to domestic producers; conduct inquiries and provide advice on such economic, trade and tariff issues as are referred to the Tribunal by the Governor in Council or the Minister of Finance; consider complaints by potential suppliers concerning any aspect of the procurement process that relates to a designated contract; and hear taxpayer's appeals of customs and excise decisions of the Department of National Revenue. The Tribunal reports to Parliament through the Minister of Finance.

Legislative mandate

The statutes under which the Tribunal obtains its jurisdiction are the:

- *Canadian International Trade Tribunal Act*
- *Customs Act*
- *Energy Administration Act*
- *Excise Tax Act*
- *Softwood Lumber Products Export Charge Act*
- *Special Import Measures Act*

Initiative for 1996

CITT/96-1-L

Canadian International Trade Tribunal Rules - Amendments

Through this initiative, the Tribunal will amend those provisions of its rules of procedure considered problematic or unresponsive to its needs or those of its stakeholders or that require modification due to amendments to the legislation under which the Tribunal obtains its jurisdiction. In addition, deficiencies or gaps in the rules will be corrected. These amendments should result in more efficient and cost-effective proceedings before the Tribunal. External consultations involving the Tribunal's major stakeholders shall be conducted. No alternatives were considered.

Legal authority: *Canadian International Trade Tribunal Act*, section 39

Contact: Mr. Gerry Stobo, General Counsel, Canadian International Trade Tribunal, 333 Laurier Avenue West, Ottawa, Ontario, K1A 0G7. Tel.: (613) 991-9247; Fax: (613) 998-1322.

Canadian Radio-television and Telecommunications Commission

Content

Initiatives for 1996

Broadcast Distribution Regulations.....	236
Cable Distribution Access Rules.....	237
Canadian Talent Development Assessment	236
Digital Radio.....	236
Licence Fees	237
Radio, Television and Specialty Services Regulations.....	236
Violence in Television Programming.....	237

General information

Roles and responsibilities

The Canadian Radio-television and Telecommunications Commission (CRTC), a public authority that is organizationally and legally independent of government departments, does not require ministerial approval for its regulatory initiatives. The CRTC was established by Parliament in 1968 by the *Broadcasting Act* to regulate and supervise all aspects of the Canadian broadcasting system. Its responsibilities were enlarged in 1976 by the *CRTC Act*, under which the Commission assumed responsibility for regulating telecommunications carriers within federal jurisdiction, in accordance with the *Railway Act* and the *National Telecommunications Powers and Procedures Act*.

Under the *Broadcasting Act*, 1991, the CRTC must "regulate and supervise all aspects of the Canadian broadcasting system" with a view to implementing the policy outlined by Parliament in subsection 3(1) of the *Act*, having regard to the regulatory policy set out in subsection 5(2). The CRTC, which regulates both public and private broadcasters, has the power to issue, renew, amend, suspend or revoke licences and to set conditions of licence for the achievement of the objectives of the *Act*.

The 13 full-time and six part-time members of the Commission, or the members of a panel for a public hearing, make decisions with respect to all broadcast

licensing matters and determine the Commission's broadcasting policies. The Commission prescribes classes of broadcasting licences, and makes by-laws, regulations and rules of procedure.

Regulations on broadcasting matters are issued following public consultation in accordance with subsections 10(3) and 11(5) of the *Broadcasting Act*. Where major changes to the broadcasting regulations are proposed, written comments are invited and an oral public hearing may be held at which interested parties present their views. Public hearings are also held in connection with the issuance, suspension or revocation of a licence, the establishment of performance objectives for the purpose of licence fees and the making of orders, in accordance with subsection 18(1) of the *Broadcasting Act*. They are frequently held in connection with the renewal or amendment of a licence, pursuant to subsection 18(2). In addition, the Commission solicits public opinion before developing policies and practices or modifying existing ones.

The CRTC's regulatory mandate with respect to telecommunications derives from several statutes, including the *Telecommunications Act* (which, effective October 25, 1993, replaced the telecommunications-related sections of the *Railway Act* and the *National Telecommunications Powers and Procedures Act*) and special acts for some of the federally regulated carriers. Section 25 of the *Telecommunications Act* requires that a carrier's rates be filed for approval by the Commission; section 27 states that all such rates shall be just and reasonable, and that a carrier shall not unjustly discriminate or give any undue preference or advantage in respect of its services or rates. The CRTC also seeks public comment on applications from federally regulated carriers and other parties, and often holds public hearings on general rate increases or significant policy issues.

The issuance, amendment or renewal of any broadcasting licence may be set aside or referred back to the Commission for reconsideration and hearing, by order of the Governor in Council. Subject to such an order or a decision of the Federal Court of Appeal, every broadcasting decision and order of the Commission is final and conclusive.

Under section 12 of the *Telecommunications Act*, the Governor in Council can vary, rescind or refer back decisions made by the Commission relating to the federally regulated telecommunications carriers.

An appeal against a broadcasting or telecommunications decision or order of the Commission may be made, with leave, to the Federal Court of Appeal upon a question of law or a question of jurisdiction.

The activities of this Commission, such as the licensing of broadcasting undertakings or the approval of the interconnection of telecommunications carriers, are frequently in response to private-sector initiatives and cannot, therefore, be planned in advance. In some instances, notices of these activities are published in *Canada Gazette*, Part I.

Legislative mandate

- *Broadcasting Act*
- *Canadian Radio-television and Telecommunications Act*
- *Telecommunications Act*

Initiatives for 1996

CRTC/94-5-L

Radio, Television and Specialty Services Regulations

On June 12, 1995, Mr. Justice Dubé of the Federal Court Trial Division ruled that subsection 6(2) of the *Television Broadcasting Regulations*, 1987, which in effect prohibits advertising on television of spirits-based beverages over 7 per cent alcohol by volume, is contrary to the Canadian Charter of Rights and Freedoms. As a result, the Commission expects to publish a public notice announcing an amendment to the Regulations to repeal subsection 6(2) in accordance with the court's decision, and to call for comments on revisions to the regulatory framework governing the broadcast of alcoholic beverage advertising.

Legal authority: *Broadcasting Act*, 1991, section 10

Contact: Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.
Tel.: (819) 997-4427; Fax: (819) 994-0218.

CRTC/95-1-L

Canadian Talent Development Assessment

On November 2, 1992, the Commission issued CRTC Public Notice 1992-72 entitled "A Review of the

CRTC's Regulations and Policies for Radio," which contained recommendations designed to address the economic plight of private radio. Among other initiatives, the document recommended a review of Canadian talent development activities which would examine criteria used, define acceptable initiatives, discuss the nature of direct versus indirect commitments, establish equivalent dollar values for indirect commitments, and discuss the relationship between a station's revenues and the value of its Canadian talent development initiatives. The Commission is currently conducting informal consultations with industry representatives and a further public process is anticipated in the next year.

Legal authority: *Broadcasting Act*, 1991, section 10

Contact: Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.
Tel.: (819) 997-4427; Fax: (819) 994-0218.

CRTC/95-2-L

Digital Radio

In June 1995, the Commission released Public Notice CRTC 95-95, "Call for Comments on a Proposed Approach to the Introduction of Digital Radio." The notice proposes a two-stage approach in which experimental licences for digital radio undertakings that generally simulcast the programming of an associated analogue radio service would be approved in the short term, and a broad public policy process would be held in the long term. The notice seeks comment on a number of proposed restrictions on experimental digital radio licences designed to allow for an efficient and non-disruptive introduction of digital radio undertakings on an experimental basis in the near future. This stage is expected to be operational in the fall of 1995. The long term policy process is expected to begin in 1997.

Legal authority: *Broadcasting Act*, 1991, section 10

Contact: Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.
Tel.: (819) 997-4427; Fax: (819) 994-0218.

CRTC/96-1-L

Broadcast Distribution Regulations

The move towards increased competition amongst different distributors of broadcasting services and the rapid pace of technological change related to the means of distribution (as identified, in accordance

with Order in Council P.C. 1994-1689, in the Commission's report to government entitled "Competition and Culture on Canada's Information Highway: Managing the Realities of Transition") requires the Commission to conduct a review of existing regulatory provisions applied to broadcasting distribution undertakings to ensure that the provisions remain appropriate. It is anticipated that all, or most, distribution undertakings will become subject to common broadcasting distribution regulations (as distinct from the current case where detailed regulations exist only for cable distribution undertakings). A major two-stage public process, leading to a public hearing in late 1996, is anticipated.

Legal authority: *Broadcasting Act, 1991*, section 10

Contact: Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.
Tel.: (819) 997-4427; Fax: (819) 994-0218.

CRTC/96-2-L

Violence in Television Programming

On April 3, 1995, the Commission announced that it will hold a public hearing starting in October 1995 on the issue of violence in television programming (Notice of Public Hearing CRTC 1995-5). The Notice outlines a possible approach for ensuring that Canadian TV violence standards apply equally to all signals watched by Canadian viewers. This approach would require distribution undertakings to curtail or encode any program which has been found to violate an approved code on violence. The Commission expects to publish proposed amendments to the Cable Television Regulations, 1986, in the first or second quarter of 1996.

Legal authority: *Broadcasting Act, 1991*, section 10

Contact: Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.
Tel.: (819) 997-4427; Fax: (819) 994-0218.

CRTC/96-3-L

Licence Fees

The Commission will be revisiting its Broadcasting Licence Fee Regulations with a view to bringing the Regulations in line with the *Broadcasting Act, 1991*, chapter 11, section 1. The Commission will also be introducing provisions allowing interest to be charged on outstanding licence fee accounts. The Commission

expects to publish proposed amendments to the regulations in the fourth quarter of 1995.

Legal authority: *Broadcasting Act, 1991*, section 11

Contact: Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.
Tel.: (819) 997-4427; Fax: (819) 994-0218.

CRTC/96-4-L

Cable Distribution Access Rules

Operators of cable distribution systems currently play a key role in making available to the Canadian public a wide variety of Canadian and foreign programming services. This key role carries with it a need to ensure that access to cable systems is afforded in a fair and equitable fashion, consistent with the policy objectives as set out in the *Broadcasting Act*. The Commission in 1993 therefore requested that the Canadian Cable Television Association (CCTA) develop formal access rules. This led the Commission, on May 16, 1994, to accept a CCTA Access Commitment dealing with licensed programming services and for the CCTA, on June 14, 1995, to submit for Commission acceptance a further access policy dealing with analogue exempt programming and alphanumeric non-programming services.

Also, the Government, in Order in Council P.C. 1995-398 of March 14, 1995, requested that the Commission develop, on a priority basis and by way of a public process, access rules that would legally apply to all broadcasting distribution undertakings and would ensure that fair and equitable access is given to all authorized non-priority programming services, licensed and exempt. A major two-stage public process to discuss the development of access rules and their application to broadcasting distribution undertakings, including related regulatory changes, is anticipated to lead to a public hearing in early 1996.

Legal authority: *Broadcasting Act, 1991*, section 10

Contact: Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.
Tel.: (819) 997-4427; Fax: (819) 994-0218.

Content

Initiatives for 1996

Regulation on the Deadline for Filing Claims Concerning Rights arising from the Retransmission of Work whose Owner is not represented by a Collecting Body	238
Rules of Practice and Procedure	238

General information

Roles and responsibilities

Established on February 1, 1989, as the successor of the Copyright Appeal Board, the Copyright Board has five distinct areas of jurisdiction under the *Copyright Act*. Its responsibilities are to:

- establish tariffs for the retransmission of distant television and radio signals (sections 70.61 to 70.67);
- establish tariffs for the public performance of music (sections 67 to 69);
- adjudicate rate disputes between licensing bodies representing classes of copyright owners and users of their works (sections 70.2 to 70.4);
- rule on applications for non-exclusive licences to use published works of unlocatable copyright owners (section 70.7); and
- set compensation, under certain circumstances, for formerly unprotected acts in countries that later join the Berne Convention, the Universal Convention or the Agreement establishing the World Trade Organization (WTO) (section 70.8).

In addition, the Minister of Industry can direct the Board to conduct studies with respect to the exercise of its powers (section 66.8).

Finally, any party to an agreement on copyright royalties payable to a licensing body can file the agreement with the Board within 15 days of its conclusion, thereby avoiding certain provisions of the *Competition Act* (section 70.5).

Legislative mandate

- *Copyright Act*

Initiatives for 1996

CBC/90-690-L

Rules of Practice and Procedure

This regulation defines some of the rules to be followed by the parties dealing with the Copyright Board. It defines instances where it becomes necessary to send notices to people affected by a tariff and specifies the information to be submitted when filing such a tariff. Finally, this regulation will set the quorum for various types of proceedings before the Board.

The Regulation will allow parties appearing before the Board to know in advance some of the rules governing the Board's hearings.

Legal authority: *Copyright Act*, section 66.6(1)

Contact: Claude Majeau, Secretary, Copyright Board, 56 Sparks Street, Suite 800, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-8621; Fax: (613) 952-8630.

CBC/91-673-L

Regulation on the Deadline for Filing Claims Concerning Rights arising from the Retransmission of Work whose Owner is not represented by a Collecting Body

This regulation will establish the period during which the owner of the retransmission right may present a claim, pursuant to section 70.66 of the *Copyright Act*, to a collecting body.

Legal authority: *Copyright Act*, section 70.66(3)(b)

Contact: Claude Majeau, Secretary, Copyright Board, 56 Sparks Street, Suite 800, Ottawa, Ontario, K1A 0C9. Tel.: (613) 952-8621; Fax: (613) 952-8630.

Content

Initiatives for 1996

Appeal Board Procedures Regulations - Fee Reduction239

Hazardous Materials Information Review Regulations - General Amendments240

Future initiatives

Hazardous Materials Information Review Act - WHMIS Exclusions Review240

Hazardous Materials Information Review Act and *Canada Labour Code* - General Amendments.....240

General information

Roles and responsibilities

The Workplace Hazardous Materials Information System (WHMIS) is a national system that was developed following extensive consultation between organized labour, industry and the federal, provincial and territorial governments to provide employees in the workplace with information on hazards associated with hazardous materials.

Recognizing the importance of striking a balance between the rights and needs of workers to be provided with information on hazardous materials and the right of suppliers and employers to preserve the confidentiality of bona fide confidential business information, the participants agreed to the establishment of an independent adjudicative agency to determine the validity of claims for exemption from full disclosure and to provide for appeals arising from such judgments. The Hazardous Materials Information Review Commission was established by the *Hazardous Materials Information Review Act*, passed by the House of Commons in June 1987.

The Commission has the authority, under the *Hazardous Materials Information Review Act*, to make decisions on claims from suppliers or employers for limited exemption from the reporting requirements of WHMIS on the basis that disclosure would reveal confidential business information. Commission staff also determine whether material safety data sheets or labels accompanying products for which an exemption

is claimed comply with the provisions of the *Hazardous Products Act*, Part II of the *Canada Labour Code* and provincial and territorial occupational safety and health legislation.

The Commission is also responsible for convening independent boards to hear appeals of its decisions by claimants or by other affected parties.

Finally, the Commission has been directed to recover its operating costs through fees for the filing of claims and appeals.

The Commission is headed by a president appointed by the Governor in Council and is governed by a council of governors consisting of members nominated by representatives of workers, suppliers, employers and members representing the governments of Canada and the provinces and territories. The functions of the Council are, among others, to make recommendations to the Minister of Health on changes to regulatory procedures established to review claims for exemption and appeals, and on changes to the fee structure.

The Commission reports to Parliament through the Minister of Health.

Legislative mandate

The statute under the jurisdiction of the Hazardous Materials Information Review Commission is the following:

- *Hazardous Materials Information Review Act*

Initiatives for 1996

HMIRC/92-1-L

Appeal Board Procedures Regulations - Fee Reduction

The *Hazardous Materials Information Review Act* Appeal Board Procedures Regulations will require minor revisions as a result of amendments already made to the Commission's fee structure (SOR 91/419). Included in the fee amendments is a 50-per-cent fee reduction for appeals filed by small businesses, small unions and individual workers. This fee adjustment needs to be reflected appropriately in the Appeal Board Procedures Regulations.

In addition, other minor revisions to these regulations will be required as a result of proposed amendments to the *Hazardous Materials Information Review Act* and the *Canada Labour Code*. These changes will permit an affected party or class of affected parties to make separate application for disclosure, in confidence, of confidential business information, solely for reasons of safety and health in a workplace. This initiative will also include such other consequential amendments as are necessary to reflect the statutory changes.

The Commission's council of governors, representing industry, labour and federal, provincial and territorial governments, was consulted in respect of these proposed amendments.

This initiative is a combination of two initiatives that appeared for the first time in the 1991 *Federal Regulatory Plan* as initiatives 676-HMIRC and 677-HMIRC.

Legal authority: *Hazardous Materials Information Review Act*, subsection 48(2)

Contact: Sharon Watts, Director of Appeals, Hazardous Materials Information Review Commission, Suite 9000, 200 Kent Street, Ottawa, Ontario, K1A 0M1. Tel.: (613) 993-4472; Fax: (613) 993-4686.

HMIRC/91-678-L

Hazardous Materials Information Review Regulations - General Amendments

Proposed amendments to the *Hazardous Materials Information Review Act* and the *Canada Labour Code* will necessitate consequential amendments to the Hazardous Materials Information Review Regulations. These revisions will be of a minor, technical nature and are required to reflect the statutory changes within these regulations.

The Commission's council of governors, representing industry, labour and federal, provincial and territorial governments, was consulted and agreed to the proposed legislative changes.

Legal authority: *Hazardous Materials Information Review Act*, subsection 48(1)

Contact: Sharon Watts, Director of Appeals, Hazardous Materials Information Review Commission, Suite 9000, 200 Kent Street, Ottawa, Ontario, K1A 0M1. Tel.: (613) 993-4472; Fax: (613) 993-4686.

Future initiatives

Hazardous Materials Information Review Act and Canada Labour Code - General Amendments

Amendments to the *Hazardous Materials Information Review Act* are being considered which could be technical in nature and address a number of deficiencies that require correction to ensure that the Commission's legislative base properly implements the policy agreed to by the federal and provincial governments, business and organized labour respecting the Workplace Hazardous Materials Information System (WHMIS). Possible amendments include correcting inconsistencies between the two official language versions of the Act, better ensuring the protection of confidential business information, and allowing people to apply for access to confidential business information for reasons of health and safety in a workplace. Amendments to the *Canada Labour Code* are also proposed in order to ensure the protection of confidential business information from forced disclosure under another act.

The alternative to proceeding with these amendments is to leave several deficiencies in the Act that limit the protection of legitimate confidential business information. As well, the Act currently impedes the protection of health and safety of workers where access to confidential business information is obstructed.

Also proposed is an amendment to streamline existing statutory requirements relative to the publication of notices of decision/order in the *Canada Gazette*. This would reduce the Commission's publishing costs.

Industry, labour and federal, provincial and territorial governments have been consulted and they agree with the proposed amendments.

Classification: Low-cost initiative

Contact: Sharon Watts, Director of Appeals, Hazardous Materials Information Review Commission, Suite 9000, 200 Kent Street, Ottawa, Ontario, K1A 0M1. Tel.: (613) 993-4472; Fax: (613) 993-4686.

Hazardous Materials Information Review Act - WHMIS Exclusions Review

The government's response to the recommendations of the parliamentary committee on the WHMIS exclusions is expected to require legislative

amendments as well as regulatory changes. WHMIS-equivalent information may be required for most products currently excluded from WHMIS, including pesticides. The impact on the Commission centres on the possible requirement for pesticide products to comply with the WHMIS disclosure requirements. As a result, pesticide suppliers may be required to submit claims for trade secret exemption to the Commission.

As pesticides are legislated under the *Pest Control Products Act*, both the *Hazardous Materials Information Review Act* and the *Pest Control Products Act* and their respective regulations will be amended to reflect this new requirement.

Classification: Intermediate-cost initiative

Contact: Sharon Watts, Director of Appeals,
Hazardous Materials Information Review
Commission, Suite 9000, 200 Kent Street, Ottawa,
Ontario, K1A 0M1. Tel.: (613) 993-4472;
Fax: (613) 993-4686.

Immigration and Refugee Board

Content

Initiatives for 1996

Adjudication Division Rules - Amendment.....	244
Convention Refugee Determination Division Rules - Amendment.....	242
Convention Refugee Determination Division Rules - Determination Process.....	243
Convention Refugee Determination Division Rules - Quorum.....	243
Immigration Appeal Division Rules - Amendment	243
Immigration Appeal Division Rules.....	244

General information

Roles and responsibilities

The Immigration and Refugee Board (IRB) is an independent agency which was created by the adoption of *An Act to Amend the Immigration Act, 1976* and to amend other acts in consequence thereof S.C. 1988, chapter 35 (commonly referred to as C-55), which came into force on January 1, 1989. Further amendments were brought to the *Immigration Act* with the coming into force of S.C. 1992, chapter 49 (commonly referred to as C-86) on February 1, 1993, and S.C. 1995, chapter 15 (commonly referred to as C-44) on July 10, 1995. In its present form, the IRB is composed of three divisions, each with its own tribunal; these divisions are the Convention Refugee Determination Division (CRDD), the Immigration Appeal Division (IAD) and the Adjudication Division (AD).

The basic objectives of the IRB are divided among the divisions. The CRDD determines refugee claims made in Canada that have been referred from a senior immigration officer, once a positive determination on eligibility is made, to the CRDD. The IAD is an appeal tribunal available to certain categories of persons who have been denied entry to or ordered removed from Canada, or to Canadian citizens and permanent residents with relatives whose applications for permanent residence in Canada have been refused. The AD is a tribunal with jurisdiction over immigration inquiries and detention reviews.

Legislative mandate

The legislative mandate for the IRB derives from Part IV of the *Immigration Act*. The Immigration Regulations, 1978, deal with conditions for admission and removal from Canada of non-Canadian citizens. These relate for the most part to the work of the IAD and the AD. The Convention Refugee Determination Division Rules, the Immigration Appeal Division Rules and the Adjudication Division Rules set out the rules of practice and procedure for the three tribunals.

Initiatives for 1996

IRB/94-1-L

Convention Refugee Determination Division Rules - Amendment

The Convention Refugee Determination Division Rules (the "CRDD Rules") were introduced in February 1989. The coming into force of S.C. 1992, chapter 49, which contained significant amendments to the *Immigration Act*, required that these CRDD Rules be revoked and new CRDD Rules be approved. New CRDD Rules were introduced in February 1993.

Since February 1993, it has become clear that a regulatory initiative is necessary to address certain substantive and procedural shortcomings in the new CRDD Rules. The initiative will benefit participants in the CRDD hearings process by further enhancing the fairness and efficiency of the process. The cost and economic impact of this proposed initiative are expected to be relatively small.

Consultation is planned with the Department of Citizenship and Immigration and with other interested parties, including some provincial immigration sections of the Canadian Bar Association.

The initiative will likely result in amendment of the following CRDD Rules: presiding member; referral to the Refugee Division; participation of the Minister; change of venue; information respecting claim; preliminary conference; conferences; applications for public hearings and confidentiality; witnesses; motions; abandonment; withdrawal; reinstatement; and service and filing. Re-evaluation of the time frames referred to in the above and all other CRDD Rules will also form part of the initiative. In addition,

the initiative will include new rules such as ones requiring notification of the CRDD on constitutional questions, notification of the CRDD of counsel's withdrawal from a claim, and a rule on disclosure.

The initiative will also serve as an opportunity to incorporate certain style changes and to rationalize terminology where necessary.

Legal authority: *Immigration Act*, subsection 65(1)

Contact: Philip Palmer, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 947-5629.

IRB/96-1-L

Convention Refugee Determination Division Rules - Quorum

A new initiative is required to allow for consequential amendments to the Convention Refugee Determination Division Rules as a result of planned changes to the *Immigration Act* that were announced in March 1995 by the Minister of Citizenship and Immigration. These changes would permit the CRDD to conduct hearings with single member panels, rather than the current two member panels.

The initiative will benefit participants in the CRDD hearings process by further enhancing the fairness and efficiency of the process. The cost and economic impact of this proposed initiative are expected to be relatively small.

Consultation is planned with the Department of Citizenship and Immigration and with other interested parties, including some provincial immigration sections of the Canadian Bar Association.

Legal authority: *Immigration Act*, subsection 65(1)

Contact: Philip Palmer, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 947-5629.

IRB/96-2-L

Convention Refugee Determination Division Rules - Determination Process

A new initiative is required to allow for consequential amendments to the Convention Refugee Determination Division Rules which may be necessary as a result of changes to the Convention refugee determination process, announced in March 1995 by the Chairperson of the Immigration and Refugee

Board. The changes will place greater emphasis on the inquiry powers conferred on CRDD Members and on their responsibility for directing all phases of the Convention refugee determination process.

The initiative will benefit participants in the CRDD hearings process by further enhancing the fairness and efficiency of the process. The cost and economic impact of this proposed initiative are expected to be relatively small.

Consultation is planned with the Department of Citizenship and Immigration and with other interested parties, including some provincial immigration sections of the Canadian Bar Association.

Legal authority: *Immigration Act*, subsection 65(1)

Contact: Philip Palmer, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 947-5629.

IRB/94-2-L

Immigration Appeal Division Rules - Amendment

The Immigration Appeal Division Rules (the "IAD Rules") were introduced in October 1990. The coming into force of S.C. 1992, chapter 49, which contained significant amendments to the *Immigration Act*, required that these IAD Rules be revoked and new IAD Rules be approved. New IAD Rules were introduced in February 1993.

Since February 1993, it has become clear that a regulatory initiative is necessary to address certain substantive and procedural shortcomings in the new IAD Rules. This initiative will benefit participants in the IAD appeal process by further enhancing the fairness and efficiency of the process. The cost and economic impact of this initiative are expected to be relatively small.

Consultation is planned with the Department of Citizenship and Immigration and with other interested parties, including some provincial immigration sections of the Canadian Bar Association.

The initiative will likely result in amendment of the following IAD Rules: presiding member; appeals from removal orders or conditional removal orders; appeals by the Minister; appeals by sponsors; change of venue; notice to appear; conferences; disclosure; applications for confidentiality; hearings; applications; motions; witnesses; and service and filing. Re-evaluation of the time frames referred to in the above and all other IAD

Rules will also form part of the initiative. In addition, the initiative will include new rules requiring notification of the IAD on constitutional questions and notification of the IAD of counsel's withdrawal from an appeal, and a rule on designated representatives.

The initiative will also serve as an opportunity to incorporate certain style changes and to rationalize terminology where necessary.

Legal authority: *Immigration Act*, subsection 65(1)

Contact: Philip Palmer, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 947-5629.

IRB/96-3-L

Immigration Appeal Division Rules

As a result of the coming into force of C-44 (S.C. 1995, chapter 15), the rights of appeal to the IAD have been limited in certain circumstances. A new initiative is required to allow for amendments to the Immigration Appeal Division Rules which may become necessary to accommodate those changes introduced by C-44. In addition, this initiative will also allow for the inclusion of any new rules which become necessary as a result of the anticipated coming into force of Immigration Regulations on medical inadmissibility. The initiative will also allow for possible amendments to the record rule in medical refusal appeals.

This initiative will benefit participants in the IAD appeal process by further enhancing the fairness and efficiency of the process. The cost and economic impact of this initiative are expected to be relatively small.

Consultation is planned with the Department of Citizenship and Immigration and with other interested parties, including some provincial immigration sections of the Canadian Bar Association.

Legal authority: *Immigration Act*, subsection 65(1)

Contact: Philip Palmer, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 947-5629.

IRB/94-3-L

Adjudication Division Rules - Amendment

The Adjudication Division Rules (the "Adjudication Rules") were introduced in February 1993 as a result of the coming into force of S.C. 1992, chapter 49,

which contained significant amendments to the *Immigration Act*. The Adjudication Rules replace and supplement relevant provisions of the Immigration Regulations, 1978 regarding the practice and procedure relating to inquiries and hearings held before an immigration adjudicator.

Since February 1993, it has become clear that a regulatory initiative is necessary to address certain substantive and procedural shortcomings in the Adjudication Rules. This initiative will benefit participants in the adjudication inquiries and hearings process by further enhancing the fairness and efficiency of the process. The cost and economic impact of this initiative are expected to be relatively small.

Consultation is planned with the Department of Citizenship and Immigration and with other interested parties.

The initiative will likely result in amendment of the following Adjudication Rules: change of venue; postponement and adjournment; conferences; disclosure; witnesses; applications; service and filing; and review of reasons for detention. Re-evaluation of the time frames referred to in the above and all other Adjudication Rules will also form part of the initiative. In addition, the initiative will include new rules requiring notification of the Adjudication Division on constitutional questions and notification of the Adjudication Division of counsel's withdrawal from an inquiry or hearing.

The initiative will also serve as an opportunity to incorporate certain style changes and to rationalize terminology where necessary.

Legal authority: *Immigration Act*, subsection 65(1)

Contact: Philip Palmer, General Counsel, Immigration and Refugee Board, 6th Floor, 240 Bank Street, Ottawa, Ontario, K1A 0K1. Tel.: (613) 995-2815; Fax: (613) 947-5629.

National Capital Commission

Content

Initiatives for 1996

National Capital Commission Contract Regulations.....	245
National Capital Commission Property Regulations.....	245

General information

Roles and responsibilities

The National Capital Commission is the federal Crown corporation which, under subsection 10(1) of the *National Capital Act*, has the responsibility to prepare plans for and assist in the development, conservation and improvement of the National Capital Region (NCR) in order that the nature and character of the seat of the Government of Canada may be in accordance with its national significance; and to organize, sponsor or promote such public activities and events in the NCR as will enrich the cultural and social fabric of Canada, taking into account the federal character of Canada, the equality of status of the official languages of Canada and the heritage of the people of Canada.

The Commission acts as an agent of Her Majesty and must have government approval to undertake its programs and activities.

The means available to the Commission to carry out its mandate are specified in subsection 10(2) of the Act, which authorizes it to buy, sell, lease, develop and dispose of property; construct parks, highways, bridges, buildings and parkways; maintain and improve its own land and the property of other federal departments and agencies upon request; engage in joint projects with municipalities; make grants; conduct research; preserve historical sites and buildings; co-ordinate the policies and programs of the Government of Canada respecting the organization, sponsorship or promotion by departments of public activities and events related to the NCR; and do anything else incidental to the attainment of its objects and purposes.

Sections 11, 12 and 12.1 of the Act give the Commission the further responsibilities of coordinating the development of federal lands in the

NCR; approving proposals to erect or demolish buildings or to change the use of federal lands; and approving proposals by departments to sell public lands in the NCR.

The various policy instruments available to the Commission continue to be necessary to achieve the physical, social and economic objectives established by the federal government for the NCR. In addition, cooperative efforts with municipal, regional and other federal authorities to achieve common goals will continue to play an important role in determining the Commission's ability to fulfill its mandate.

Legislative mandate

- *National Capital Act*, R.S.C. 1985, chapter N-4

Initiatives for 1996

NCC/96-1-L

National Capital Commission Property Regulations

These proposed regulations will revoke the National Capital Commission Traffic and Property Regulations and create the National Capital Commission Property Regulations.

Any person entering NCC Property will be required to comply with revised rules of conduct for the protection of public lands, for preserving order and preventing accidents therein.

Legal authority: *National Capital Act*, R.S.C. 1985, chapter N-4

Contact: Karen McNeil, Legal Counsel, National Capital Commission, 202-40 Elgin Street, Ottawa, Ontario, K1P 1C7. Tel.: (613) 239- 5477; Fax: (613) 239-5404.

NCC/96-2-L

National Capital Commission Contract Regulations

The proposed regulations, under subsections 15(3) of the *National Capital Act* and 41(1) of the *Financial Administration Act*, with a consequential amendment to the Government Contract Regulations removing the NCC from the definition of "contracting authority,"

will make the NCC subject to its own contract regulations.

Legal authority: *National Capital Act*, R.S.C. 1985, chapter N-4; *Financial Administration Act*, R.S.C. 1985, chapter F-11

Contact: Karen McNeil, Legal Counsel, National Capital Commission, 202-40 Elgin Street, Ottawa, Ontario, K1P 1C7. Tel.: (613) 239- 5477;
Fax: (613) 239-5404.

National Energy Board

Content

Initiatives for 1996

Canada Certificate of Fitness Regulations.....	250
Canada Oil and Gas Diving Regulations.....	250
Canada Oil and Gas Drilling Regulations.....	250
Canada Oil and Gas Geophysical Operations Regulations.....	250
Canada Oil and Gas Installation Manager Regulations.....	252
Canada Oil and Gas Installations Regulations.....	251
Canada Oil and Gas Operations Regulations	251
Canada Oil and Gas Production and Conservation Regulations	251
Canada Oil and Gas Spill and Debris Liability Regulations.....	252
Cost Recovery Regulations.....	248
Electricity Regulations	248
Export and Import Reporting Regulations.....	249
National Energy Board Regulations, Part VI	249
Onshore Pipeline Regulations	248
Pipeline Crossing Regulations, Parts I and II.....	249
Regulations Pertaining to Crossings Involving International Power Lines.....	248

Future initiative

Offshore Pipeline Regulations.....	252
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General information

Roles and responsibilities

The National Energy Board ("the Board" or "the NEB") is an independent federal regulatory tribunal established in 1959. It reports to Parliament through the Minister of Natural Resources Canada.

The Board is a court of record and, with regard to attendance at hearings, the swearing in and examination of witnesses, the production and inspection of documents and the enforcement of its

orders, it has all the powers vested in a superior court of record. The Board's regulatory decisions and the reasons for them are issued as public documents.

The Board's regulatory powers under the *National Energy Board Act* include the granting of authorizations for:

- the construction and operation of interprovincial and international oil and gas pipelines, international power lines and designated interprovincial power lines;
- the setting of tolls and tariffs for oil and gas pipelines under its jurisdiction;
- the export of oil, natural gas and electricity; and
- the import of natural gas.

The Board also has regulatory powers under the *Canada Oil and Gas Operations Act* for oil and gas exploration and production activities on Canada's frontier lands not otherwise regulated by joint federal/provincial boards.

One of the Board's responsibilities is to monitor the current and future supply of Canada's major energy commodities, and the domestic and international demand for them. The Board also has specific responsibilities under the *Northern Pipeline Act* and the *Energy Administration Act*. In addition, Board inspectors have been appointed safety officers by the Minister of Human Resources Development, to administer Part II of the *Canada Labour Code*.

The Board has an important advisory function and may, on its own initiative, hold inquiries and conduct studies on specific energy matters and prepare reports for the information of Parliament, the federal government and the general public. The Act requires that the Board keep under review matters relating to all aspects of energy supply, production, development and trade which fall within the jurisdiction of the federal government. The Board also carries out studies and prepares reports at the request of the Minister of Natural Resources.

The Board receives approximately 750 applications annually. These range from straightforward and routine requests for Board orders to major applications for export licences, pipeline toll orders and certificates for the construction of major new facilities and large pipeline facility expansion projects. Those that do not involve an oral hearing are dealt

with by internal processes of examination or written public proceedings. The Board continues to take steps to simplify all these processes, while at the same time seeking to maintain their essential fairness, consistency, and openness to general scrutiny.

Legislative mandate

- *Canada Oil and Gas Operations Act*
- *Canada Petroleum Resources Act*
- *Energy Administration Act*
- *National Energy Board Act*
- *Northern Pipeline Act*

Initiatives for 1996

NEB/88-917-L

Cost Recovery Regulations

These regulations, which permit the Board to recover the costs of regulation directly from regulated companies, will be amended to slightly adjust and clarify the method of recovering costs.

Since 1991, the Board has recovered about 85 per cent of its total operating costs from regulated companies, not from general government revenues (costs incurred in the regulation of frontier lands are not being so recovered).

Legal authority: *National Energy Board Act*

Contact: Christina Tam, Finance and Administration, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-3918; Fax: (403) 292-5503.

NEB/88-919-L

Onshore Pipeline Regulations

These regulations specify the requirements for the protection of property and the environment and for the safety of the public and the company's employees in the design, construction, operation and abandonment of an onshore pipeline.

The Board is proposing amendments to reflect changing pipeline safety and environmental issues arising from pipeline incidents, revised Canadian Standards Association standards, regulatory enforcement responsibilities and experience working with the Regulations.

The proposed amendments were issued for comment May 6, 1994.

Legal authority: *National Energy Board Act*

Contact: John Hendershot, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2778; Fax: (403) 292-5503.

NEB/90-700-L

Regulations Pertaining to Crossings Involving International Power Lines

Before Bill C-23 (an *Act to Amend the National Energy Board Act*) came into effect in 1990, draft regulations for crossings involving international power lines had been prepared. Those regulations were reviewed to ensure consistency with the amended act. As a result of that review, the Board decided to delete provisions concerning the regulated companies' responsibilities to maintain crossing records, to restore abandoned rights-of-way at crossings and to report incidents which happen at crossings. The proposed regulations now establish minimum construction standards for crossings and set out the terms and conditions under which the Board's permission is not required for crossings.

The Board sought comments on these regulations from the utility industry in the fall of 1993. No comments were received. The draft regulations have been prepublished in Part I of the *Canada Gazette*.

Legal authority: *National Energy Board Act*

Contact: Ivan Harvie, Energy Commodities Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-3165; Fax: (403) 292-5503.

NEB/90-699-L

Electricity Regulations

Pursuant to the passage of Bill C-23 (an *Act to Amend the National Energy Board Act*), which came into effect on June 1, 1990, draft regulations to implement the new electricity policy were issued in a 1990 Memorandum of Guidance.

Among other things, the draft regulations set out information requirements for applications for electricity exports and international power line facilities; terms and conditions of export and facilities permits; and the matters which the Board may consider in deciding whether to recommend a public hearing process. The draft regulations replace, in part, existing National Energy Board Regulations, Part VI and the Rules of Practice and Procedure (promulgated May 1995), streamline the Board's operations, and reduce the level of regulation in keeping with the

government's more market-based approach to energy policy.

Based on its experience in processing applications since the draft regulations were issued, the Board has revised the draft regulations. The Board sought comments on the revised draft regulations from interested parties on October 25, 1993. All comments were received by early 1994.

The draft regulations have been submitted to the Department of Justice for examination, and subsequent prepublication in Part I of the *Canada Gazette*.

Legal authority: *National Energy Board Act*

Contact: Ivan Harvie, Energy Commodities Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-3165; Fax: (403) 292-5503.

NEB/93-3-L

Pipeline Crossing Regulations, Parts I and II

These regulations, which came into effect in October 1988, establish the conditions under which third parties can safely conduct excavation and construction activities affecting pipelines.

In June 1990, section 112 of the *National Energy Board Act*, which deals with third-party crossings, was amended to broaden the scope of Board jurisdiction to include all excavation activity within 30 metres of the pipeline right-of-way. In May 1993, the Regulations were amended to make some administrative and editorial revisions resulting from review by the Standing Joint Committee for the Scrutiny of Regulations (SOR/93-239).

In 1996, the Board plans to completely review the Pipeline Crossing Regulations, Parts I and II to take into account the operating experience since these regulations were first promulgated. During this review, the Board will consult with municipalities, utilities, excavators, pipeline companies and other interested parties. The goal of the review is to harmonize the Regulations with provincial regulations and to remove any existing ambiguity.

Legal authority: *National Energy Board Act*

Contact: Robert Power, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2769; Fax: (403) 292-5503.

NEB/89-901-L

National Energy Board Regulations, Part VI

The National Energy Board Part VI Regulations will be amended to reflect recent changes to export regulation, to improve the language of the Regulations and to address concerns expressed in recent years by the Standing Joint Committee for Scrutiny of Regulations.

Comments were sought from industry in the fall of 1990 following briefing sessions with Board staff. In April 1993, the Board submitted the Regulations to Privy Council Office (Justice) for approval. This approval was obtained in January 1995. In May 1995, these regulations were published in Part I of the *Canada Gazette*. Interested parties have subsequently provided the Board with additional comments and concerns with respect to the subject matter of certain proposed regulations. The Board has reviewed these and is working with Privy Council Office (Justice) in having these matters addressed.

Legal authority: *National Energy Board Act*

Contact: Gordon Nettleton, Legal Counsel, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2703; Fax: (403) 292-5503.

NEB/89-898-L

Export and Import Reporting Regulations

These proposed regulations would require persons exporting oil, gas and power or importing gas to provide information to the Board concerning the export or import.

The information is similar to that currently required by the Part VI Regulations. However, at the suggestion of the Standing Joint Committee for Scrutiny of Regulations, the Board decided to remove the reporting requirement from the Part VI Regulations and make new regulations under subsection 129(1) of the *National Energy Board Act* to provide for reporting requirements. This segregation of the reporting requirements should benefit interested parties by providing a clearer definition of the requirements.

In April 1993, the Board submitted these regulations to Privy Council Office (Justice) for approval. This approval was obtained in January 1995. In May 1995, these regulations were published in Part I of the *Canada Gazette*. The Board is working with Privy Council Office (Justice) in having these regulations proceed to final approval. Given the concerns raised

by interested parties with the Part VI Regulations, it is no longer anticipated that the Export and Import Reporting Regulations will be made concurrently with the proposed amendments to the Part VI Regulations.

Legal authority: *National Energy Board Act*

Contact: Gordon Nettleton, Legal Counsel, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2703; Fax: (403) 292-5503.

INAC/88-586-I

Canada Certificate of Fitness Regulations

The *Canada Oil and Gas Operations Act*, formerly titled the *Oil and Gas Production and Conservation Act*, authorizes the making of regulations that prescribe minimum acceptable standards for the construction, alteration or use of any equipment, works, plants and appliances in the petroleum industry. To ensure that these standards are met by the petroleum industry in relation to installations and structures offshore and in the north, an independent third party known as a certifying authority will confirm to the regulator that the installation has been designed, constructed and installed in accordance with the applicable regulations and is fit for the purpose for which it is intended. This confirmation will be in the form of a Canada Certificate of Fitness issued by the certifying authority. These regulations will define which companies can issue the certificates and prescribe the criteria for issuance.

Certificates of Fitness have long been recognized and required internationally and are thus not new to the petroleum industry. However, the requirement for Certificates of Fitness in Canada will impose an additional financial burden on the industry as it will be the proponent's responsibility to obtain and pay for the certificate.

Legal authority: *Canada Oil and Gas Operations Act*

Contact: Terry Baker, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2792; Fax: (403) 292-5503.

INAC/92-27-I

Canada Oil and Gas Diving Regulations

These regulations, promulgated in 1988, set out the regulatory requirements that operators must follow if they wish to undertake diving operations in areas subjected to the *Canada Oil and Gas Operations Act*. The

Regulations will be amended to relieve the federal minister of technical and administrative decisions concerning diving activities. These decisions could be made by the Chief Safety Officer or Chief Conservation Officer. No significant impact is expected as a result of this initiative.

Legal authority: *Canada Oil and Gas Operations Act*

Contact: Jan Merta, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2791; Fax: (403) 292-5503.

COGLA/90-88-I

Canada Oil and Gas Drilling Regulations

These regulations, first promulgated in 1979, set out the regulatory requirements that operators must follow if they wish to undertake drilling operations on lands under federal jurisdiction. The amendments will reflect the Certificate of Fitness requirements introduced in the Canada Certificate of Fitness Regulations. The amendments will also update the Canada Oil and Gas Drilling Regulations in accordance with provisions in the *Canada Oil and Gas Operations Act* for authorization of drilling activity.

The amendments do not change, in substance, the current regime for authorizing drilling activities and no significant impact on the petroleum industry is expected. Amendments to make the offshore requirements similar to the Newfoundland and Nova Scotia versions will be initiated.

Legal authority: *Canada Oil and Gas Operations Act*

Contact: Terry Baker, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2792; Fax: (403) 292-5503.

INAC/87-482-I

Canada Oil and Gas Geophysical Operations Regulations

The *Canada Oil and Gas Operations Act*, formerly titled the *Oil and Gas Production and Conservation Act*, provides for the making of regulations respecting safety, conservation practices and the prevention of pollution related to oil and gas exploration and production. These regulations will provide for the authorization and regulation of geophysical operations, and will ensure the safety and protection of the environment for geophysical operations in areas covered by the *Canada Oil and Gas Operations Act*.

The oil and gas industry has been operating with the draft Canada Oil and Gas Geophysical Operations Regulations for a number of years. In addition, the Board has consulted the former Canadian Petroleum Association, the Independent Petroleum Association of Canada, and technical associations within the industry for their views on these regulations. Promulgation of the Regulations is not anticipated to have any incremental impact on the petroleum industry.

Legal authority: *Canada Oil and Gas Operations Act*

Contact: Bruce Young, Energy Resources Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-3147; Fax: (403) 292-5503.

INAC/87-484-I

Canada Oil and Gas Installations Regulations

The *Canada Oil and Gas Operations Act*, formerly titled the *Oil and Gas Production and Conservation Act*, provides for the making of regulations prescribing minimum acceptable standards for the construction, alteration or use of works, machinery and plants used in the exploration for, and development and production of, oil and gas. In addition, it allows for regulation of the safety aspects of oil and gas activity. The Regulations will ensure that the various components that are part of the design, construction, installation and operation of an installation will function according to specification, thereby ensuring safety of personnel, protection of the environment and resource conservation. The petroleum industry already adheres to the design and operating principles set out in the proposed regulations. With the exception of certain provisions imposing more rigorous standards due to the exceptional environmental conditions found in Canada's north and its offshore areas, the performance standards contained in the regulations are similar to those adopted by most offshore oil-producing countries.

Legal authority: *Canada Oil and Gas Operations Act*

Contact: Terry Baker, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2792; Fax: (403) 292-5503.

COGLA/91-100-I

Canada Oil and Gas Operations Regulations

These regulations were first promulgated in February 1983. The regulations spell out requirements for obtaining an operating licence, for obtaining authorization for exploratory or development work, and for reporting an oil spill. The *Canada Oil and Gas Operations Act*, under which these regulations fall, requires that an operator obtain an operating licence and an authorization before starting any work or activity.

The amendments will increase the fee associated with obtaining a licence, presently set at \$25. The amount of this increased fee will depend on the type of operation carried out. The fee would cover the costs required to issue such licences and authorizations. Since the amendments propose an increase in the fee associated with obtaining an operating licence, there will be a minimal financial cost to the petroleum industry and other organizations wishing to conduct oil and gas activities and field research programs.

Legal authority: *Canada Oil and Gas Operations Act*

Contact: Terry Baker, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel.: (403) 299-2792; Fax: (403) 292-5503.

INAC/87-483-I

Canada Oil and Gas Production and Conservation Regulations

These regulations establish the minimum requirements for the safety of personnel, environmental protection and resource conservation related to the development and production of oil and gas on lands under federal jurisdiction. When the Canada Certificate of Fitness Regulations come into effect, the Canada Oil and Gas Production and Conservation Regulations will need to be amended to reference the Certificate of Fitness requirements. No significant impact on the petroleum industry is expected as a result of this initiative.

The regulations will be reviewed and amended to ensure they accord with recent amendments to the *Canada Oil and Gas Operations Act*. There will be minor technical changes to the substance of the regulations.

Legal authority: *Canada Oil and Gas Operations Act*

Contact: Terry Baker, Engineering Branch, National Energy Board, 311 Sixth Avenue S.W., Calgary,

Alberta, T2P 3H2. Tel.: (403) 299-2792;
Fax: (403) 292-5503.

IAND/94-36-1

Canada Oil and Gas Spill and Debris Liability Regulations

The *Canada Oil and Gas Operations Act* (COGOA) imposes absolute liability, up to "an applicable limit," on an operator for any actual damages incurred as a result of a spill or debris in the area where the operator is conducting oil and gas operations. Any losses or damage in excess of the applicable limit must be based on negligence or other common-law liability.

The Board will review the applicability of absolute liability and the associated limits of liability that may be prescribed under COGOA and make amendments. The impact of the amendments will be subject to the outcome of the consultations with stakeholders.

Legal authority: *Canada Oil and Gas Operations Act*

Contact: Jim Anderson, Environment Branch,
National Energy Board, 311 Sixth Avenue S.W.,
Calgary, Alberta, T2P 3H2. Tel.: (403) 299-3682;
Fax: (403) 292-5503.

IAND/94-39-1

Canada Oil and Gas Installation Manager Regulations

The *Canada Oil and Gas Operations Act* requires that a manager in command of an installation meet prescribed qualifications. The proposed regulations will spell out these qualification requirements.

The Regulations will improve safety of operations on frontier lands by allowing only qualified and certified personnel to be installation managers.

Legal authority: *Canada Oil and Gas Operations Act*

Contact: Terry Baker, Engineering Branch, National
Energy Board, 311 Sixth Avenue S.W., Calgary,
Alberta, T2P 3H2. Tel.: (403) 299-2792;
Fax: (403) 292-5503.

Future initiative

Offshore Pipeline Regulations

These draft regulations specify the requirements for the protection of property and the environment, and for the safety of the public and company employees in the design, construction, operation and abandonment of an offshore pipeline.

These regulations will require further review with respect to amendments to the Onshore Pipeline Regulations and integration of frontier activities into the Board.

Classification: Low-cost initiative

Contact: Robert Power, Engineering Branch, National
Energy Board, 311 Sixth Avenue S.W., Calgary,
Alberta, T2P 3H2. Tel.: (403) 299-2769;
Fax: (403) 292-5503.

National Transportation Agency

Content

Initiatives for 1996

Air and Accessible Transportation Branch

Accessibility Standards - Persons with Disabilities - Air Transportation Equipment	255
--	-----

Accessibility Standards - Persons with Disabilities - Marine Transportation Equipment	256
---	-----

Accessibility Standards - Persons with Disabilities - Rail Transportation Equipment	256
---	-----

Air Transportation Regulations - Addition of New Regulations Pertaining to Canada - U.S. Charter Services	259
---	-----

Air Transportation Regulations - Financial Requirements on Canadian Air Carriers Proposing to use Medium and Large Aircraft	258
---	-----

Air Transportation Regulations - Insurance Provisions	258
---	-----

Air Transportation Regulations - International Charters, Resaleable Domestic Charters, Tariffs and Service Schedules	259
--	-----

Air Transportation Regulations - Other Amendments	260
---	-----

Air Transportation Regulations - Service Arrangements Between Air Carriers - Provision of Aircraft with Flight Crew	257
---	-----

Air Transportation Regulations - Air Fares in Large Aircraft for Attendants of Persons with Disabilities	254
--	-----

Air Transportation Regulations - Review of Parts I and II	258
---	-----

Air Transportation Regulations - Terms and Conditions of Carriage by Air of Persons with Disabilities	257
---	-----

Personnel Training for the Assistance of Persons with Disabilities	257
--	-----

Terms and Conditions of Carriage by Rail of Persons with Disabilities	257
---	-----

Terms and Conditions of Carriage in Small Aircraft of Persons with Disabilities	255
---	-----

Marine, Trucking and Regional Offices Branch

Mackenzie River Area Distances Regulations	260
--	-----

Northern Marine Resupply Services Regulations	260
---	-----

Rail Branch

Annual Rate Scale Order For Western Grain, 1996-97	268
--	-----

Baggage Car Traffic Regulations	264
---------------------------------------	-----

Conditions on Passes Approval Order	264
---	-----

Details of Maps, Plans, Profiles, Drawings, Specifications and Books of Reference (General Order E-1)	261
---	-----

Free and Reduced Rate Transportation Regulations	265
--	-----

Height of Telegraph Wires and Telephone Lines Regulations (General Order E-18)	261
--	-----

Joint Use of Poles Regulations (General Order E-12)	262
---	-----

Rail Liability Insurance Regulations	267
--	-----

Railway-Highway Crossing at Grade Regulations (General Order E-4)	263
---	-----

Railway Act Fees Order	267
------------------------------	-----

Railway Advance Payment Regulations	264
---	-----

Railway Costing Regulations	260
-----------------------------------	-----

Railway Free and Reduced Rate Transportation Regulations	266
--	-----

Railway Grade Separations Regulations (General Order E-5)	262
---	-----

Railway Interswitching Rate Scale (1997) - Rate Adjustment and Amendment	264
--	-----

Railway Lines Abandonment Regulations	267
---	-----

Railway Passenger and Freight Tariff Regulations	265
--	-----

Railway Traffic Liability Regulations	266
---	-----

Regulations Respecting Pipe Crossings under Railways (General Order E-10).....	262
Tolls for Use of International Bridges and Tunnels	266
Uniform Classification of Accounts.....	267
Wire Crossings and Proximities Regulations (General Order E-11)	263

General

Asset and Revenue Determination Regulations	269
Cost Recovery Regulations.....	268
Designated Provisions Regulations - Enforcement	268
General Rules.....	268
Part VII Exemption Regulations.....	269

Future initiatives

Accessibility Standards - Persons with Disabilities - Transportation Terminals	269
Communication of Information to Persons with Disabilities	270
Terms and Conditions of Carriage by Marine Services Subject to Federal Jurisdiction of Persons with Disabilities	270

General information

Roles and responsibilities

The National Transportation Agency of Canada (the Agency) assumed federal responsibility for the economic regulation of transportation on January 1, 1988. The Agency was established under the provisions of the *National Transportation Act*, 1987, R.S.C. 1985, chapter 28 (3rd suppl.).

In addition to the above Act, the Agency's responsibilities are defined by many pieces of transportation legislation including the *Railway Act*, R.S.C. chapter R-3, the *Western Grain Transportation Act*, R.S.C. 1985, chapter W-8, the *Aeronautics Act*, R.S.C. 1985, chapter A-2, the *Atlantic Region Freight Assistance Act*, R.S.C. 1985, chapter A-15, the *Canadian National Railways Act*, R.S.C. 1985, chapter C-19, the *Coasting Trade Act*, S.C. 1992, chapter 31, the *Energy Supplies Emergency Act*, R.S.C. 1985, chapter E-9, the *Government Railways Act*, R.S.C. 1985, chapter G-7, the *Maritime Freight Rates Act*, R.S.C. 1985, chapter M-1,

the *National Energy Board Act*, R.S.C. 1985, chapter N-7, the *Pilotage Act*, R.S.C. 1985, chapter P-14, the *Railway Safety Act*, R.S.C. 1985, chapter 32 (4th suppl.), the *Railway Relocation and Crossing Act*, R.S.C. 1985, chapter R-4, the *Shipping Conferences Exemption Act*, R.S.C. 1985, chapter 17 (3rd suppl.) and the *St. Lawrence Seaway Authority Act*, R.S.C. 1985, chapter S-2. The Agency currently is responsible for ensuring adherence to forty-two regulations under its jurisdiction and works in concert with seven regulations which fall under the auspices of Transport Canada.

On June 20, 1995, the Minister of Transport tabled Bill C-101 for first reading. It is uncertain exactly when the *Canada Transportation Act* will come into force but the likely timeframe is between December 1995 and April 1996. When the legislation is proclaimed, regulations administered by the Agency will have to be reviewed and many will have to be either revoked or amended. In addition, new regulations will have to be drafted and approved by the Governor in Council. In total, this will involve 44 regulatory initiatives. This report outlines the regulatory changes the Agency anticipates will be required to conform with the new Act.

Initiatives for 1996

Air and Accessible Transportation Branch

NTA/96-1-M

Air Transportation Regulations - Air Fares in Large Aircraft for Attendants of Persons with Disabilities

To improve accessibility to domestic air transportation with regards to air fares for attendants of passengers with disabilities and to help ensure that these persons receive the same service as other passengers when travelling on aircraft of 30 seats or more, the Agency proposes to take measures in this area.

These measures would not place an undue financial burden on the industry. The estimated annual cost to the airline industry, in terms of revenue loss, would be in the order of \$1,500,000 (high estimate) or \$700,000 (low estimate) in 1991 Canadian dollars, or less than a fraction of one per cent of total domestic passenger revenues.

The Agency has consulted with organizations of and for persons with disabilities, domestic air carriers and charters and their associations, health professionals, provincial and federal government departments

having an interest in persons with disabilities, central agencies and other interested persons. Other stakeholders were made aware of the Agency's plans through a notice in the *Canada Gazette* and distribution of the plans for comment.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, this project will be undertaken by the newly created Canadian Transportation Agency, pursuant to section 170 of that Act.

Legal authority: *National Transportation Act, 1987*, subsection 63.1(1); proposed *Canada Transportation Act*, section 170

Contact: Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6828 or 1-800-883-1813;
Fax: (819) 953-6019; TTY: (819) 953-9705 or 1-800-669-5575.

NTA/96-2-1

Terms and Conditions of Carriage in Small Aircraft of Persons with Disabilities

To help maintain certain rights acquired by persons with disabilities under the previous regulatory regime and to improve accessibility to domestic air transportation with regards to the terms and conditions of carriage in small aircraft, the Agency proposes to take measures in this area.

The measures, while contributing to the accessibility of domestic air transportation, will have a medium impact as the proposals generally reflect present conditions.

The Agency will consult mainly with organizations of and for persons with disabilities, domestic air carriers and their associations, provincial and federal government departments having an interest in persons with disabilities, central agencies and other interested persons. Other stakeholders will be made aware of the Agency's plans through distribution of a notice for comment.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, this project will be undertaken by the newly created Canadian Transportation Agency, pursuant to section 170 of that Act.

Legal authority: *National Transportation Act, 1987*, subsection 63.1(1); proposed *Canada Transportation Act*, section 170

Contact: Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6828 or 1-800-883-1813;
Fax: (819) 953-6019; TTY: (819) 953-9705 or 1-800-669-5575.

NTA/96-3-1

Accessibility Standards - Persons with Disabilities - Air Transportation Equipment

The Agency has the power to prescribe, administer and enforce accessibility standards for all modes of transportation under federal jurisdiction. The Agency proposes to address accessibility standards for equipment used in air transportation. This initiative will contribute to a consistent provision of equipment, which is necessary for persons with disabilities to be able to use the air transportation system.

The measures taken by the Agency will improve accessibility for persons with disabilities to equipment used on domestic air transportation services. The measures will not place an undue financial burden on the air industry. Most accessibility features should not represent a significant financial outlay and many of the specifications may apply only to new equipment or to equipment undergoing a major retrofit.

The Agency will consult mainly with organizations of and for persons with disabilities, domestic air carriers and their associations, provincial and federal government departments having an interest in persons with disabilities, central agencies and other interested persons. Other stakeholders will be made aware of the Agency's plans through distribution of a notice for comment.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, this project will be undertaken by the newly created Canadian Transportation Agency, pursuant to section 170 of that Act.

Legal authority: *National Transportation Act, 1987*, subsection 63.1(1); proposed *Canada Transportation Act*, section 170

Contact: Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible

Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6828 or 1-800-883-1813;
Fax: (819) 953-6019; TTY: (819) 953-9705 or 1-800-669-5575.

NTA/96-4-I

Accessibility Standards - Persons with Disabilities - Rail Transportation Equipment

The Agency has the power to prescribe, administer and enforce accessibility standards for all modes of transportation under federal jurisdiction. The Agency proposes to address accessibility standards for equipment used in rail transportation. This initiative will contribute to a consistent provision of equipment, which is necessary for persons with disabilities to be able to use the rail transportation system.

The measures taken by the Agency will improve accessibility for persons with disabilities to equipment used on domestic rail transportation services. The measures will not place an undue financial burden on the rail industry. Most accessibility features should not represent a significant financial outlay and many of the specifications may apply only to new equipment or to equipment undergoing a major retrofit.

The Agency will consult mainly with organizations of and for persons with disabilities, domestic rail carriers and their associations, provincial and federal government departments having an interest in persons with disabilities, central agencies and other interested persons. Other stakeholders will be made aware of the Agency's plans through distribution of a notice for comment.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, this project will be undertaken by the newly created Canadian Transportation Agency, pursuant to section 170 of that Act.

Legal authority: *National Transportation Act*, 1987, subsection 63.1(1); proposed *Canada Transportation Act*, section 170

Contact: Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6828 or 1-800-883-1813;

Fax: (819) 953-6019; TTY: (819) 953-9705 or 1-800-669-5575.

NTA/96-5-I

Accessibility Standards - Persons with Disabilities - Marine Transportation Equipment

The Agency has the power to prescribe, administer and enforce accessibility standards for all modes of transportation under federal jurisdiction. The Agency proposes to address accessibility standards for equipment used in marine transportation. This initiative will contribute to a consistent provision of equipment, which is necessary for persons with disabilities to be able to use the marine transportation system.

The measures taken by the Agency will improve accessibility for persons with disabilities to equipment used on domestic marine transportation services. The measures will not place an undue financial burden on the marine industry. Most accessibility features should not represent a significant financial outlay and many of the specifications may apply only to new equipment or to equipment undergoing a major retrofit.

The Agency will consult mainly with organizations of and for persons with disabilities, domestic marine carriers and their associations, provincial and federal government departments having an interest in persons with disabilities, central agencies and other interested persons. Other stakeholders will be made aware of the Agency's plans through distribution of a notice for comment.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, this project will be undertaken by the newly created Canadian Transportation Agency, pursuant to section 170 of that Act.

Legal authority: *National Transportation Act*, 1987, subsection 63.1(1); proposed *Canada Transportation Act*, section 170

Contact: Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6828 or 1-800-883-1813;
Fax: (819) 953-6019; TTY: (819) 953-9705 or 1-800-669-5575.

NTA/96-6-I

Terms and Conditions of Carriage by Rail of Persons with Disabilities

To help attain uniformity of terms and conditions of carriage by rail of persons with disabilities throughout Canada, the Agency proposes to take measures in this area.

The measures, while contributing to the accessibility of services to persons with disabilities, will have a minimum impact as the proposals generally reflect present conditions.

The Agency will consult mainly with organizations of and for persons with disabilities, domestic rail carriers and their associations, provincial and federal government departments having an interest in persons with disabilities, central agencies and other interested persons. Other stakeholders will be made aware of the Agency's plans through distribution of a notice for comment.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, this project will be undertaken by the newly created Canadian Transportation Agency, pursuant to section 170 of that Act.

Legal authority: *National Transportation Act, 1987*, subsection 63.1(1); proposed *Canada Transportation Act*, section 170

Contact: Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6828 or 1-800-883-1813;
Fax: (819) 953-6019; TTY: (819) 953-9705 or 1-800-669-5575.

NTA/96-7-L

Personnel Training for the Assistance of Persons with Disabilities

These regulations prescribe training which personnel working in the transportation network must undergo to ensure that travellers with disabilities have access to a consistent level of service.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, housekeeping amendments relating to legislative references will be made by the newly created Canadian Transportation Agency to these regulations.

Legal authority: proposed *Canada Transportation Act*, section 170

Contact: Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6828 or 1-800-883-1813;
Fax: (819) 953-6019; TTY: (819) 953-9705 or 1-800-669-5575.

NTA/96-8-L

Air Transportation Regulations - Terms and Conditions of Carriage by Air of Persons with Disabilities

These regulations prescribe terms and conditions of air carriage of persons with disabilities.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, housekeeping amendments relating to legislative references will be made by the newly created Canadian Transportation Agency to these regulations.

Legal authority: proposed *Canada Transportation Act*, section 170

Contact: Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6828 or 1-800-883-1813;
Fax: (819) 953-6019; TTY: (819) 953-9705 or 1-800-669-5575.

NTA/96-9-I

Air Transportation Regulations - Service Arrangements Between Air Carriers - Provision of Aircraft with Flight Crew

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, the Air Transportation Regulations will be amended to include new provisions respecting the use of aircraft and flight crew by a person to a licensee for the purpose of providing an air service, including disclosure and which types of carrier relationships need written approvals.

Legal authority: proposed *Canada Transportation Act*, section 61

Contact: Chuck Coleman, Director, Domestic Operations Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6260; Fax: (819) 953-5562.

NTA/96-10-I

Air Transportation Regulations - Financial Requirements on Canadian Air Carriers Proposing to use Medium and Large Aircraft

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, the Air Transportation Regulations will be amended to include new provisions which require that Canadian applicants who propose to use medium and large passenger aircraft for the first time, will have to meet financial fitness requirements as a prerequisite for obtaining a licence. Financial fitness requirements would also apply to Canadian applicants re-instating a licence after it has been suspended for a specified period.

Legal authority: proposed *Canada Transportation Act*, subparagraphs 62(a)(iv), 70(1)(a)(iv) and 74(1)(a)(iv)

Contact: Chuck Coleman, Director, Domestic Operations Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6260; Fax: (819) 953-5562.

NTA/96-11-I

Air Transportation Regulations - Review of Parts I and II

As part of the government's regulatory review process initiated with the budget papers tabled in the House of Commons by the Minister of Finance on February 25, 1992, the domestic air service provisions of the Air Transportation Regulations were being reviewed. This review was delayed until after the National Transportation Act Review Commission completed its report which recommended that the provisions of the *National Transportation Act, 1987* applying to northern air services be retained.

The first step of the Agency's review was to solicit comments from air carriers and other interested parties as to whether the current provisions should be

retained or modified. The Agency received many comments.

This regulatory initiative will now become a part of the overall review of the Air Transportation Regulations to be made consistent with the proposed *Canada Transportation Act*.

Legal authority: *National Transportation Act, 1987*, section 102; proposed *Canada Transportation Act*, section 87

Contact: Chuck Coleman, Director, Domestic Operations Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6260; Fax: (819) 953-5562.

NTA/96-12-I

Air Transportation Regulations - Insurance Provisions

The insurance provisions in the Air Transportation Regulations were carried over from the Air Carrier Regulations and were last amended in 1983. At that time, the former regulatory body gave an undertaking to air carriers and insurance brokers/underwriters that these specific regulations would be reviewed in three years. Because of fundamental changes in recent years to the economic regulation of air transport, this review could not be conducted by the former regulatory body. The insurance provisions were being reviewed to ensure that users of air transportation and third parties remain sufficiently and adequately insured against aircraft mishaps.

Consultations took place with selected air carriers, government departments and agencies, insurance underwriters and air carrier associations.

Since most large air carriers operating to and from Canada already carry liability insurance coverage in excess of the required minimums, the costs associated with any proposed change are considered to be insignificant. There will, however, be additional costs associated with this initiative for some of the smaller air carriers licensed in Canada. Notwithstanding additional costs, the benefits associated with any changes proposed, which would result in added consumer protection in the event of a serious accident, are considered to outweigh the costs.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, this project will be undertaken by the newly created Canadian

Transportation Agency, pursuant to section 87 of that Act.

Legal authority: *National Transportation Act, 1987*, section 102; proposed *Canada Transportation Act*, section 87

Contact: Jo Pasternak, Senior Analyst, Economic Evaluation and Mergers Section, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 953-8953; Fax: (819) 953-5562.

NTA/96-13-I

Air Transportation Regulations - Addition of New Regulations Pertaining to Canada - U.S. Charter Services

By letter of April 9, 1992, the Minister of Transport requested that the National Transportation Agency undertake a review of the existing Air Transportation Regulations (ATR) governing transborder passenger and cargo charter services. On July 28, 1993, the Agency approved and referred to the then Minister of Transport, the final draft of the Regulations. In the absence of a new bilateral air agreement, no action was taken to implement the 1993 proposal.

By letter dated February 9, 1995, the Minister of Transport requested that the Agency review, in light of the Elliot/Kaplan framework document and the ongoing negotiations, the proposed amendments to the ATR to determine if any adjustments were needed. A new bilateral air agreement with the United States was concluded and signed on February 24, 1995. The Agency completed the review of the previously proposed regulations in light of the new agreement and determined that it would be appropriate to formally consult interested parties by prepublishing the new version.

The Agency made revisions to the proposed amendments which would reduce many of the bureaucratic requirements of the current Regulations to a minimum, while retaining the requirement for protection of advance payments made to the air carrier. These amendments were approved and prepublished on July 29, 1995 in Part I of the *Canada Gazette*. Interested parties were advised separately by the Agency at the time of prepublication. The Agency is examining the comments received, and in light of these comments, amendments might be made to the prepublished regulations.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, these amendments will be made by the newly created Canadian Transportation Agency, pursuant to section 87 of that Act.

Legal authority: *National Transportation Act, 1987*, section 102; proposed *Canada Transportation Act*, section 87

Contact: Rosemary E. Baldwin, Senior Economic Advisor, International Operations Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-9795; Fax: (819) 953-5562.

NTA/96-14-I

Air Transportation Regulations - International Charters, Resaleable Domestic Charters, Tariffs and Service Schedules

The National Transportation Agency is examining charter, tariff and service schedule provisions in the Air Transportation Regulations as part of the government's review of existing regulations to ensure that the use of the government's regulatory powers results in the greatest prosperity for Canadians.

The Agency intends to streamline the Regulations (Parts III to VI) to reduce the regulatory burden.

Should regulatory changes arise from the review, and as a result of the proposed *Canada Transportation Act*, an examination of benefits and costs will depend on the specific proposals developed.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, this project will be undertaken by the newly created Canadian Transportation Agency, pursuant to section 87 of that Act.

Legal authority: *National Transportation Act, 1987*, section 102; proposed *Canada Transportation Act*, section 87

Contacts: Rosemary E. Baldwin, Senior Economic Advisor, International Operations Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-9795; Fax: (819) 953-5562, or

Greg Danylchenko, Chief, International Air Tariffs, International Operations Directorate, Air and Accessible Transportation Branch, National

Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-6419; Fax: (819) 953-5686.

NTA/96-15-I

Air Transportation Regulations - Other Amendments

These regulations will be amended to make the French and English versions consistent in meaning. The amendments will clarify wording and avoid confusion for users. In June 1992, the decision was taken to incorporate part of these amendments in the Omnibus Regulations which were published in Part II of *Canada Gazette* on June 2, 1993. There is no monetary cost or benefit to this initiative. These amendments will include amendments to classification of air carrier services and definitions.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, this project will be undertaken by the newly created Canadian Transportation Agency, pursuant to section 87 of that Act.

This regulatory initiative will now become a part of the overall review of the Air Transportation Regulations to be made consistent with the proposed *Canada Transportation Act*.

Legal authority: *National Transportation Act*, 1987, section 102; proposed *Canada Transportation Act*, section 87

Contact: Chuck Coleman, Director, Domestic Operations Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-6260; Fax: (819) 953-5562.

Marine, Trucking and Regional Offices Branch

NTA/96-16-L

Northern Marine Resupply Services Regulations

These regulations prescribe the information that licensees must file with the National Transportation Agency on an annual or otherwise basis to enable the Agency to determine whether resupply rates contained in tariffs filed by licensees are just and reasonable.

The coming into force in early 1996 of the proposed *Canada Transportation Act* will render these regulations obsolete. The newly created Canadian Transportation Agency will revoke these regulations through a miscellaneous regulatory amendment submission.

Legal authority: *National Transportation Act*, 1987, section 222; proposed *Canada Transportation Act*, section 183

Contact: Judith Kiel, Senior Officer, Complaints and Investigations Directorate, Marine and Trucking Operations, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-6519; Fax: (819) 953-5686.

NTA/96-17-L

Mackenzie River Area Distances Regulations

These regulations made pursuant to the *Transport Act*, prescribe mileage distances for the purpose of toll formulation and statistics on waters described in said regulations for the Mackenzie River Area. The *Transport Act* was revoked pursuant to section 352 of the *National Transportation Act*, 1987.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, the newly created Canadian Transportation Agency will revoke these regulations through a miscellaneous regulatory amendment submission.

Legal authority: *National Transportation Act*, 1987, section 352; proposed *Canada Transportation Act*, section 183

Contact: Danielle Pilon, Acting Director, Marine and Trucking Directorate, Marine, Trucking and Regional Offices Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-6559; Fax: (819) 953-5686.

Rail Branch

NTA/96-18-I

Railway Costing Regulations

These regulations govern the format under which railway cost submissions must be filed with the National Transportation Agency pursuant to the *National Transportation Act*, 1987 and the *Railway Act*. This initiative is intended to amend the Regulations to

include current costing practices and document filing requirements.

However, under the proposed *Canada Transportation Act*, scheduled to be promulgated in early 1996, the amendments will reflect legislative references to the proposed Act and revised costing practices in accordance with the new Act.

These revisions to the Regulations will ensure a uniform framework in which railway costs will continue to be developed for all railways for use in costing a number of different legislative applications, including cost adjustments to maximum grain rates, the 1999 Statutory Review on the impact of the proposed *Canada Transportation Act* on the efficiency of grain transportation, and certain competition access provisions under the law. Implementing these amendments will not result in additional costs to the railways. There are no alternatives to be considered. The newly created Canadian Transportation Agency will consult in writing with interested parties in the development of the amendments.

Legal authority: *National Transportation Act*, 1987, section 330; proposed *Canada Transportation Act*, section 157; *Railway Act*, section 349

Contact: Neil Thurston, Director, Costing, Rates and Payments Directorate, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-4914; Fax: (819) 953-5564.

NTA/96-19-L

Details of Maps, Plans, Profiles, Drawings, Specifications and Books of Reference (General Order E-1)

These regulations prescribe the format in which various documents should be prepared (scales, limits) and filed with the Agency pursuant to the *Railway Act*. The Agency intends to revoke these regulations and replace them with guidelines. This initiative should be sufficient to ensure consistency in the documentation filed, yet give the Agency the flexibility to accept documents that might not meet specific application requirements but that will satisfy the Agency's needs in particular cases.

The Agency will consult further with interested parties to develop these guidelines.

However, the proclamation in early 1996 of the proposed *Canada Transportation Act* may eliminate the statutory authority to these regulations and

accordingly, they would have no effect. Once spent, the newly created Canadian Transportation Agency would revoke these regulations through a miscellaneous regulatory amendment submission.

Legal authority: *Railway Act*, section 114; proposed *Canada Transportation Act*, section 185

Contact: Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 953-0327; Fax: (819) 953-5564; Internet: ian.spear@nta-ont.x400.gc.ca

NTA/96-20-L

Height of Telegraph Wires and Telephone Lines Regulations (General Order E-18)

These regulations, pursuant to the *Railway Act*, prescribe that the height of telegraph and telephone lines over public and private areas must meet the requirements of the Canadian Standards Association (CSA). Since the coming into force of the *Railway Safety Act*, the safety-related provisions in these regulations which refer to the CSA standards fall under the jurisdiction of Transport Canada.

The National Transportation Agency intends to revoke certain sections of the regulations. They should be replaced with guidelines that would contain specifications sufficient to allow the exemption provisions of the *Railway Act* to take effect.

The Agency will consult further with interested parties to develop these guidelines.

However, the proclamation in early 1996 of the proposed *Canada Transportation Act* may eliminate the statutory authority to these regulations and accordingly, they would have no effect. Where appropriate, the regulations may be continued pursuant to the *Railway Safety Act*. The newly created Canadian Transportation Agency would revoke the spent sections of the regulations through a miscellaneous regulatory amendment submission.

Legal authority: *Railway Act*, section 328; proposed *Canada Transportation Act*, section 185

Contact: Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 953-0327; Fax: (819) 953-5564; Internet: ian.spear@nta-ont.x400.gc.ca

NTA/96-21-L

Joint Use of Poles Regulations (General Order E-12)

These regulations cover the joint use of poles by telephone, telegraph and electric power corporations pursuant to the *Railway Act*. They ensure that the party requesting to make joint use of poles enters into an agreement with the person owning or controlling the poles.

The National Transportation Agency intends to revoke these regulations. They should be replaced with guidelines that would contain specifications sufficient to allow the exemption provisions of the *Railway Act* to take effect.

The Agency will consult further with interested parties to develop these guidelines.

However, the proclamation in early 1996 of the proposed *Canada Transportation Act* may eliminate the statutory authority to these regulations and accordingly, they would have no effect. Once spent, the newly created Canadian Transportation Agency would revoke these regulations through a miscellaneous regulatory amendment submission.

Legal authority: *Railway Act*, section 336; proposed *Canada Transportation Act*, section 185

Contact: Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 953-0327; Fax: (819) 953-5564;
Internet: ian.spear@nta-ont.x400.gc.ca

NTA/96-22-L

Regulations Respecting Pipe Crossings under Railways (General Order E-10)

These regulations apply in respect of the laying and maintaining of sewer pipes, water pipes, pipes for oil and other flammable or highly volatile liquids, and pipes for natural or manufactured gas under railways pursuant to the *Railway Act*.

The National Transportation Agency intends to revoke these regulations. They should be replaced with guidelines that would contain specifications sufficient to allow the exemption provisions of the *Railway Act* to take effect.

The Agency will consult further with interested parties to develop these guidelines.

However, the proclamation in early 1996 of the proposed *Canada Transportation Act* may eliminate the statutory authority to these regulations and accordingly, they would have no effect. Once spent, the newly created Canadian Transportation Agency would revoke these regulations through a miscellaneous regulatory amendment submission.

Legal authority: *Railway Act*, subsection 212(3); proposed *Canada Transportation Act*, section 185

Contact: Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 953-0327; Fax: (819) 953-5564;
Internet: ian.spear@nta-ont.x400.gc.ca

NTA/96-23-L

Railway Grade Separations Regulations (General Order E-5)

These regulations detail the requirements for constructing a grade separation pursuant to sections 200, 201 and 202 of the *Railway Act*. They also include the procedure for making an application to the Agency and presenting a plan in support thereof.

The National Transportation Agency has already revoked the cost apportionment clauses of these regulations and replaced them with a guideline. The Agency intends to revoke the remainder of these regulations and replace them with guidelines. This initiative should be sufficient to ensure consistency in the documentation filed with the Agency, yet give the flexibility to accept documents that might not meet specific application requirements but that satisfy the Agency's needs in particular cases.

The Agency will consult further with interested parties to develop these guidelines.

However, the proclamation in early 1996 of the proposed *Canada Transportation Act* may eliminate the statutory authority to these regulations and accordingly, they would have no effect. Once spent, the newly created Canadian Transportation Agency would revoke these regulations through a miscellaneous regulatory amendment submission.

Legal authority: *Railway Act*, subsection 201(6); proposed *Canada Transportation Act*, section 185

Contact: Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.

NTA/96-24-L

Railway-Highway Crossing at Grade Regulations (General Order E-4)

These regulations detail the requirements for constructing or reconstructing a railway-highway crossing pursuant to sections 200, 201 and 202 of the *Railway Act*. The regulations also set out the requirements for plans, procedures, size of crossing surface, cost apportionment and signalization. The portion of the regulations dealing with safety (size of crossing surface, requirements for signs, etc.) is the responsibility of Transport Canada.

The National Transportation Agency, in cooperation with Transport Canada, intends to revoke these regulations as many of the sections are safety related, and so fall under the jurisdiction of Transport Canada.

The regulations should be replaced with guidelines. This initiative should be sufficient to ensure consistency in the documentation filed with the Agency, yet give the Agency the flexibility to accept documents that might not meet specific application requirements but that will satisfy the Agency's needs in particular cases.

The Agency will consult further with interested parties to develop these guidelines.

However, the proclamation in early 1996 of the proposed *Canada Transportation Act* may eliminate the statutory authority to these regulations and accordingly, they would have no effect. Where appropriate, the safety-related provisions may be continued pursuant to the *Railway Safety Act*.

The newly created Canadian Transportation Agency would revoke the spent sections of the regulations through a miscellaneous regulatory amendment submission.

Legal authority: *Railway Act*, subsection 201(6); proposed *Canada Transportation Act*, section 185

Contact: Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.

Tel.: (819) 953-0327; Fax: (819) 953-5564;
Internet: ian.spear@nta-ont.x400.gc.ca

NTA/96-25-L

Wire Crossings and Proximities Regulations (General Order E-11)

These regulations cover standards for wire crossings and proximities affecting railways and apply to the construction and maintenance of lines, wires or other conductors for the transmission of electrical energy or for communication purposes. The National Transportation Agency's leave for these activities is required by virtue of section 326 of the *Railway Act*.

Since the coming into force of the *Railway Safety Act*, the safety-related provisions in these regulations which refer to Canadian Standards Association (CSA) standards fall under the jurisdiction of Transport Canada.

However, the sections needed to allow the exemption provisions of subsection 326(5) of the *Railway Act* to take effect remain under the jurisdiction of the Agency.

The Agency intends to revoke the non-safety related provisions of these regulations. They should be replaced with guidelines that would contain specifications sufficient to allow the exemption provisions of the *Railway Act* to take effect.

The Agency will consult further with interested parties to develop these guidelines.

However, the proclamation in early 1996 of the proposed *Canada Transportation Act* may eliminate the statutory authority to these regulations and accordingly, they would have no effect. Where appropriate, the safety-related provisions may be continued pursuant to the *Railway Safety Act*. The newly created Canadian Transportation Agency would revoke the spent sections of the regulations through a miscellaneous regulatory amendment submission.

Legal authority: *Railway Act*, subsection 326(5); proposed *Canada Transportation Act*, section 185

Contact: Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.

Tel.: (819) 953-0327; Fax: (819) 953-5564;
Internet: ian.spear@nta-ont.x400.gc.ca

NTA/96-26-L

Railway Advance Payment Regulations

These regulations provide for advance financial payments to a railway company to provide subsidy for continuation of various railway operations.

The National Transportation Agency proposes to make housekeeping changes to these regulations in accordance with current legislation.

However, the enactment of the proposed *Canada Transportation Act* will repeal the existing subsidy payment provisions under the *Railway Act* and the *National Transportation Act, 1987* and will end the usefulness of these regulations. They will accordingly be repealed by the newly created Canadian Transportation Agency through a miscellaneous regulatory amendment submission.

Legal authority: *National Transportation Act, 1987*, sections 178 and 181, *Railway Act*, subsection 320; proposed *Canada Transportation Act*, section 185

Contact: Frank Urban, Manager, Costing Determinations and Subsidies, Rail Rationalization Directorate, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 953-9918; Fax: (819) 953-5564.

NTA/R-1-I

Railway Interswitching Rate Scale (1997) - Rate Adjustment and Amendment

The *National Transportation Act, 1987* requires that railway companies perform interswitching, that is to transfer the traffic of a shipper to the lines of a railway other than one serving the shipper directly, whenever this shipper is located within 30 km of a connection or interchange with the a second railway. This regulatory initiative is intended to establish the charge a railway may impose for performing interswitching during the 1997 calendar year.

The amended rates will ensure that railways performing interswitching in 1997 are adequately compensated for the costs of providing the service and that shippers will have access to the services of a second railway at a price that will not impede the transfer of traffic from one railway company to another. Additional changes will include provision for interswitching rates where a portion of a connecting railway line has been transferred to a third party carrier.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, this project will be undertaken by the newly created Canadian Transportation Agency, pursuant to section 129(1) of that Act.

Legal authority: *National Transportation Act, 1987*, section 152; proposed *Canada Transportation Act*, section 129

Contact: Tom Maville, Acting Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-1081; Fax: (819) 953-5564.

NTA/96-27-L

Baggage Car Traffic Regulations

These regulations govern the terms and conditions for the handling of baggage belonging to rail passenger ticket holders and address liability considerations. The National Transportation Agency intends to amend these regulations to make them consistent with the contemporary legislation and current mandate of the Agency.

However, the proclamation in early 1996 of the proposed *Canada Transportation Act* will render these regulations obsolete. The newly created Canadian Transportation Agency will revoke the regulations through a miscellaneous regulatory amendment submission.

Legal authority: *Railway Act*, section 290; proposed *Canada Transportation Act*, sections 183 and 185

Contact: Tom Maville, Acting Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-1081; Fax: (819) 953-5564.

NTA/96-28-L

Conditions on Passes Approval Order

This statutory instrument enumerates and approves a number of terms and conditions respecting the issuance of passenger transportation passes by seventeen railway companies, seven international bridge and tunnel corporations, and one water carrier. Many of these terms and conditions pertain to the liability of the issuing companies.

A review of this order will be undertaken as it may no longer be warranted in the Canadian contemporary transportation framework where government

regulations are streamlined to reflect a greater reliance on the ability of carriers and other economic agents to issue and adjust tariffs suited to a competitive environment.

The National Transportation Agency will consult further with interested parties.

However, the coming into force in early 1996 of the proposed *Canada Transportation Act* will render this order obsolete. The newly created Canadian Transportation Agency will revoke this order through a miscellaneous regulatory amendment submission.

Legal authority: *Railway Act*, sections 9, 300 and 341; proposed *Canada Transportation Act*, sections 183 and 185

Contact: Tom Maville, Acting Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-1081; Fax: (819) 953-5564.

NTA/96-29-L

Railway Passenger and Freight Tariff Regulations

The Railway Passenger Tariff Order which is contained in Tariff Circular 2 governs the format under which railway passenger tariffs must be filed with the National Transportation Agency as well as the procedure to be followed in that respect by the carriers issuing such tariffs. The Order also prescribes several classes of tariffs, in compliance with the *Railway Act*, each being applicable to a specific category of passenger traffic.

An amendment to streamline these regulations will be proposed. The changes sought are designed to reflect the current situation of the passenger rail transportation industry as well as technological changes. For instance, the amended regulations will include provisions to allow electronic tariff filing.

However, the coming into force in early 1996 of the proposed *Canada Transportation Act* will empower the newly created Canadian Transportation Agency, pursuant to section 118, to prescribe the information contained in either passenger or freight tariffs. A railway company shall not charge a rate in respect of the movement of traffic or passengers unless the rate is set out in a tariff that has been issued and published in accordance with this section. Section 118 will empower the Agency to prescribe by regulations any information that must be included in the tariff.

The Railway Freight Tariff Regulations will also be examined concurrently with the Railway Passenger Tariff Order.

Consultation with interested parties will be undertaken.

Legal authority: *Railway Act*, section 291; *National Transportation Act*, 1987, subsection 120(4) and section 155; proposed *Canada Transportation Act*, subsection 118(2)

Contact: Tom Maville, Acting Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-1081; Fax: (819) 953-5564.

NTA/96-30-L

Free and Reduced Rate Transportation Regulations

These regulations prescribe the terms and conditions under which railway companies are required to offer transportation free of charge or under reduced rates.

Many decades have elapsed since the inception of these regulations. Economic and technological changes have dramatically altered the framework in which rail passenger transportation services are provided. Companies involved in this type of business are now far from monopolies, due to the development of competing transportation modes. This situation has removed the concerns upon which statutory instruments such as the Free and Reduced-Rate Transportation Regulations were based. The revocation of these regulations will therefore be proposed.

The National Transportation Agency will consult further with interested parties.

However, the coming into force in early 1996 of the proposed *Canada Transportation Act* will render these regulations obsolete. The newly created Canadian Transportation Agency will revoke this order through a miscellaneous regulatory amendment submission.

Legal authority: *Railway Act*, section 300; proposed *Canada Transportation Act*, sections 183 and 185

Contact: Tom Maville, Acting Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-1081; Fax: (819) 953-5564.

NTA/96-31-L

Railway Free and Reduced Rate Transportation Regulations

These regulations detail some 46 groups or categories of individuals to whom free or reduced-rate transportation may be offered. Terms and conditions pertaining to the issuance of free passes or reduced-rate certificates and to the format under which the filing of periodical returns with the National Transportation Agency must be effected are further prescribed.

Many decades have elapsed since the inception of these regulations. Economic and technological changes have dramatically altered the framework in which rail passenger transportation services are provided. Companies involved in this type of business are now far from monopolies, due to the development of competing transportation modes. This situation has removed the concerns upon which statutory instruments such as the Railway Free and Reduced-Rate Transportation Regulations were based. The revocation of these regulations will therefore be proposed.

The Agency will consult further with interested parties.

However, the coming into force in early 1996 of the proposed *Canada Transportation Act* will render these regulations obsolete. The newly created Canadian Transportation Agency will revoke this order through a miscellaneous regulatory amendment submission.

Legal authority: *Railway Act*, section 300; proposed *Canada Transportation Act*, sections 183 and 185

Contact: Tom Maville, Acting Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-1081; Fax: (819) 953-5564.

NTA/96-32-L

Tolls for Use of International Bridges and Tunnels

Section 9 of the *Railway Act* grants the National Transportation Agency jurisdiction and control over tolls to be charged for the use of international bridges and tunnels. Corporations owning or operating such facilities were required to file their tariffs with the Agency's regulatory predecessors pursuant to the Regulations Governing the Construction, Filing and Posting of Telegraph and Telephone Tariffs by

Telegraph and Telephone Companies, which applied as well to international bridges and tunnel tariffs, contained in Tariff Circular 3.

With the coming into force of the *Canadian Radio-Television Act* on June 15, 1975, the Canadian Transport Commission did not retain a jurisdiction in the field of telecommunication tariffs approval and filing. A new regulatory body created by this Act, the Canadian Radio-Television and Telecommunications Commission (CRTC), was given the mandate to regulate these matters. The CRTC rescinded Tariff Circular 3 in its 1979 SOR/79-555 regulations.

Consequently, the Agency is currently lacking a statutory instrument to govern international bridges and tunnel tariffs filing and is considering the implementation of a new regulation that would replace the former Tariff Circular 3 in that respect.

However, with the coming into force in early 1996 of the proposed *Canada Transportation Act*, the newly created Canadian Transportation Agency will have no authority to undertake this project.

Legal authority: *Railway Act*, section 9; proposed *Canada Transportation Act*, sections 183 and 185

Contact: Tom Maville, Acting Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-1081; Fax: (819) 953-5564.

NTA/96-33-L

Railway Traffic Liability Regulations

These regulations prescribe limitations on railway liability pursuant to paragraph 153(2) of the *National Transportation Act*, 1987. The regulations apply in the absence of a National Transportation Agency order or written agreements between carriers and shippers or a body representative of shippers.

The coming into force in early 1996 of the proposed *Canada Transportation Act* will require that housekeeping changes be made to make the Regulations consistent with that Act. The newly created Canadian Transportation Agency will amend these regulations through a miscellaneous regulatory amendment submission.

Legal authority: *National Transportation Act*, 1987, paragraph 153(2); proposed *Canada Transportation Act*, sections 183 and 185

Contact: Tom Maville, Acting Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, (in early 1996,

Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-1081; Fax: (819) 953-5564.

NTA/96-34-I

Rail Liability Insurance Regulations

The proposed *Canada Transportation Act* which is scheduled for promulgation in early 1996 will require the newly created Canada Transportation Agency, pursuant to section 93, to issue a certificate of fitness for the proposed construction or operation of a railway if the Agency is satisfied that there will be adequate liability insurance coverage for the proposed construction or operation. Section 93 further empowers the Agency to make regulations for determining the adequacy of liability insurance coverage, including self-insurance.

Consultation with interested parties will be undertaken.

Legal authority: proposed *Canada Transportation Act*, section 93

Contact: Tom Maville, Acting Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-1081; Fax: (819) 953-5564.

NTA/96-35-L

Railway Act Fees Order

This order prescribes that fees are payable by Special Act railway companies petitioning for incorporation or change in charter before the Minister of Consumer and Corporate Affairs (Minister of Industry).

Upon proclamation in early 1996, the proposed *Canada Transportation Act* will cause this order to have no effect. Once spent, the newly created Canadian Transportation Agency will revoke this order through a miscellaneous regulatory amendment submission.

Legal authority: *Railway Act*, section 14; proposed *Canada Transportation Act*, section 185

Contact: Tom Maville, Acting Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-1081; Fax: (819) 953-5564.

NTA/96-36-L

Railway Lines Abandonment Regulations

These regulations prescribe the form, manner and timing of the process to be undertaken for abandonment of federal railway lines. It sets out a code for filing of notice of intention, relevant costing information and other information sufficient to permit the National Transportation Agency to conclude whether retention of the railway line is mandated as being in the public interest.

The proposed *Canada Transportation Act* will repeal the railway line abandonment provisions under the *National Transportation Act*, 1987 and the regulation-making authority for these regulations. They will be revoked through a miscellaneous regulatory amendment submission.

Legal authority: *National Transportation Act*, 1987, subsection 181(1); proposed *Canada Transportation Act*, section 183

Contact: Andy Gemmell, Acting Director, Rail Rationalization Directorate, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-2035; Fax: (819) 953-5564.

NTA/96-37-I

Uniform Classification of Accounts

This regulation prescribes a uniform accounting system for Canadian National Railway and CP Rail for the purposes of submitting costing, revenue and expense information with the National Transportation Agency. It is designed to ensure a consistent manner of reporting to the Agency of railway data. Accounts may also be prescribed for any other railway within the legislative authority of Parliament.

The proposed *Canada Transportation Act* does not affect the statutory foundation for this regulation although consequential amendments will be required to ensure concordance for section references under the new legislation.

Legal authority: *Railway Act*, section 347; proposed *Canada Transportation Act*, section 156

Contact: Neil Thurston, Director, Costing, Rates and Payments Directorate, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-4914; Fax: (819) 953-5564.

NTA/R-2-M

Annual Rate Scale Order For Western Grain, 1996-97

An order will be issued that prescribes the annual rate scale for the movement of western grain by rail, for crop year 1996-97. The total shipper payments to the railways under this rate scale, for crop year 1996-97, are estimated to be about \$1.2 billion. The rates must be determined on, or before, April 30, 1996.

Legal authority: *National Transportation Act, 1987*, sections 181.1 to 181.19; proposed *Canada Transportation Act*, subsection 149(2)

Contact: Neil Thurston, Director, Costing, Rates and Payments Directorate, Rail Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-4914; Fax: (819) 953-5564.

General

NTA/96-38-I

Cost Recovery Regulations

Pursuant to the government's policy on "External User Charges for Goods, Services, Property, Rights and Privileges," and pursuant to subsection 35(1) of the proposed *Canada Transportation Act*, the newly created Canadian Transportation Agency intends to implement regulations to charge carriers and other parties fees for some functions of the Agency.

Adoption of this initiative would reduce the government's net cost of providing some services. The Agency will consult carriers and other interested parties before prepublishing any proposal in Part I of the *Canada Gazette*.

Legal authority: proposed *Canada Transportation Act*, subsection 35(1)

Contact: Randy Burch, Chief, Financial Planning and Analysis, Planning, Review and Corporate Services Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 953-9890; Fax: (819) 953-8623.

NTA/96-39-I

Designated Provisions Regulations - Enforcement

The proposed *Canada Transportation Act* contains general enforcement provisions that include the

authority to impose administrative monetary penalties (AMPs). AMPs are financial penalties imposed as a consequence of a person's failure to comply with a legal requirement. The legal requirements subject to AMPs must be designated by the Canadian Transportation Agency as such, and can be contained in this Act or in any regulation, order, or direction made pursuant to this Act, or can be any condition of a licence issued by the Agency under this Act.

These regulations will specifically designate which provisions will be subject to AMPs as well as the penalties to be imposed for each violation. The statute sets out a maximum penalty of \$25,000 in the case of a corporation and of \$5,000 in the case of an individual.

The AMPs initiative will improve compliance, more effectively deter violations and result in more cost-efficient enforcement. Further, the initiative is necessary to ensure that the Agency continues to meet its regulatory enforcement responsibilities.

Legal authority: proposed *Canada Transportation Act*, section 177

Contact: Dave Western, Director, Field Investigations Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-6643; Fax: (819) 953-8798.

NTA/96-40-I

General Rules

These rules set out the procedures to be used by parties appearing before the National Transportation Agency. The proposed *Canada Transportation Act* which is scheduled for promulgation in early 1996 will change the jurisdiction and mandate of the Agency and, as a result, the General Rules will require amendment to bring them into accordance with the legislation.

Consultations will be conducted with transportation undertakings, transportation-related associations and transportation lawyers for each mode.

Legal authority: *National Transportation Act, 1987*, subsection 22(1); proposed *Canada Transportation Act*, section 17

Contact: Elizabeth C. Barker, Counsel, Legal, Secretariat and Communications Services Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-9322; Fax: (819) 953-9269.

NTA/96-41-L

Asset and Revenue Determination Regulations

Part VII of the *National Transportation Act, 1987* requires that a person proposing to acquire a transportation undertaking with assets in Canada or gross annual revenue from sales in or from Canada that exceed ten million dollars must notify the National Transportation Agency of the proposed acquisition.

These regulations prescribe the time and manner of determining the value of assets in Canada and annual gross revenue from sales in or from Canada for purposes of Part VII.

The coming into force in early 1996 of the proposed *Canada Transportation Act* will render these regulations obsolete, and they will be revoked by the newly created Canadian Transportation Agency through a miscellaneous regulatory amendment submission.

Legal authority: *National Transportation Act, 1987*, sections 253 and 260; proposed *Canada Transportation Act*, section 183

Contact: Elizabeth C. Barker, Counsel, Legal, Secretariat and Communications Services Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-9322; Fax: (819) 953-9269.

NTA/96-42-L

Part VII Exemption Regulations

Part VII of the *National Transportation Act, 1987* requires that a person proposing to acquire a transportation undertaking with assets in Canada or gross annual revenue from sales in or from Canada that exceed ten million dollars must notify the National Transportation Agency of the proposed acquisition.

These regulations set out classes of acquisitions which are exempted from the application of Part VII.

The coming into force in early 1996 of the proposed *Canada Transportation Act* will render these regulations obsolete, and they will be revoked by the newly created Canadian Transportation Agency through a miscellaneous regulatory amendment submission.

Legal authority: *National Transportation Act, 1987*, subsection 253(5); proposed *Canada Transportation Act*, section 183

Contact: Elizabeth C. Barker, Counsel, Legal, Secretariat and Communications Services Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-9322; Fax: (819) 953-9269.

Future initiatives

Accessibility Standards - Persons with Disabilities - Transportation Terminals

Transportation services have been developing construction and retrofitting programs to improve accessibility. The National Transportation Agency is considering prescribing accessibility standards for terminals linked to air, rail and marine transportation under federal jurisdiction. The measures taken by the Agency will promote the application of common standards in these modes of transportation.

Alternatives under review are the status quo, the promulgation of regulations, the use of voluntary standards or the use of guidelines established by the Agency.

The Agency will consult mainly with organizations of or for persons with disabilities, domestic carriers and terminal operators and their associations, health professionals, provincial and federal government departments having an interest in persons with disabilities, central agencies and other interested persons. Other stakeholders will be made aware of the Agency's plans through distribution of a notice for comment.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, this project will be undertaken by the newly created Canadian Transportation Agency, pursuant to section 170 of that Act.

Classification: Major initiative

Contact: Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9. Tel.: (819) 997-6828 or 1-800-883-1813; Fax: (819) 953-6019; TTY: (819) 953-9705 or 1-800-669-5575.

Communication of Information to Persons with Disabilities

The ability to communicate is essential if people are to give and receive information, and the main methods of communication are speech and print. People who are unable to hear the spoken word or see the written word do not have access to much of the information related to transportation. The National Transportation Agency is considering standardizing the methods of communication of information for persons with sensory or cognitive impairments related to air, rail and marine transportation under federal jurisdiction.

Alternatives under review are the status quo, the promulgation of regulations, the use of voluntary standards or the use of guidelines established by the Agency.

The Agency will mainly consult with organizations of or for persons with disabilities, domestic carriers and terminal operators and their associations, health professionals, provincial and federal government departments having an interest in persons with disabilities, central agencies and other interested persons. Other stakeholders will be made aware of the Agency's plans through distribution of a notice for comment.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, this project will be undertaken by the newly created Canadian Transportation Agency, pursuant to section 170 of that Act.

Classification: Intermediate-cost initiative

Contact: Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6828 or 1-800-883-1813;
Fax: (819) 953-6019; TTY: (819) 953-9705 or 1-800-669-5575.

Terms and Conditions of Carriage by Marine Services Subject to Federal Jurisdiction of Persons with Disabilities

To help attain uniformity of terms and conditions of carriage by marine carriers subject to federal jurisdiction of persons with disabilities throughout Canada, the National Transportation Agency is considering taking measures in this area. These measures would contribute to the accessibility of

services to persons with disabilities. Alternatives under review are the status quo, the promulgation of regulations, the use of voluntary standards or the use of guidelines established by the Agency.

The Agency will consult mainly with organizations of and for persons with disabilities, domestic marine carriers and their associations, provincial and federal government departments having an interest in persons with disabilities, central agencies and other interested persons. Other stakeholders will be made aware of the Agency's plans through distribution of a notice for comment.

With the coming into force in early 1996 of the proposed *Canada Transportation Act*, this project will be undertaken by the newly created Canadian Transportation Agency, pursuant to section 170 of that Act.

Classification: Intermediate-cost initiative

Contact: Joan MacDonald, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, (in early 1996, Canadian Transportation Agency), Ottawa, Ontario, K1A 0N9.
Tel.: (819) 997-6828 or 1-800-883-1813;
Fax: (819) 953-6019; TTY: (819) 953-9705 or 1-800-669-5575.

Office of the Chief Electoral Officer

Content

Initiative for 1996

Tariffs of Fees271

General information

Roles and responsibilities

The Chief Electoral Officer is responsible for exercising general direction and supervision over the preparation and administration of federal electoral events as well as the reporting requirements relating to expenses incurred pursuant to the provisions of the *Canada Elections Act* and the *Referendum Act*. In addition to administering electoral events, the Chief Electoral Officer has entered into an agreement with the Commissioner of the Northwest Territories to conduct elections of members of the Council of the Northwest Territories.

The Chief Electoral Officer is appointed by resolution of the House of Commons, to which he or she is directly accountable. The officer also communicates with the Governor in Council through the member of the Queen's Privy Council for Canada designated by the Governor in Council for that purpose (currently the Leader of the Government in the House of Commons).

The Commissioner of Canada Elections enforces the provisions of the *Canada Elections Act* and of the *Referendum Act* under the general supervision of the Chief Electoral Officer, who appoints the Commissioner.

The Chief Electoral Officer provides the necessary data and assistance to enable the electoral boundaries commissions to discharge their responsibilities under the *Electoral Boundaries Readjustment Act* with respect to each province's representation in the House of Commons. The Chief Electoral Officer also taxes all accounts relating to the expenditures of the electoral boundaries commissions.

Legislative mandate

The statutes under the jurisdiction of the Chief Electoral Officer are the following:

- *Canada Elections Act*
- *Dominion Controverted Elections Act*

- *Electoral Boundaries Readjustment Act*
- *Referendum Act*

Initiative for 1996

OCEO/R-1-M

Tariffs of Fees

The *Canada Elections Act* and the *Referendum Act* stipulate that, upon the recommendation of the Chief Electoral Officer, the Governor in Council may make tariffs fixing or providing for the determination of fees, costs, allowances and expenses to be paid and allowed to returning officers and other persons employed at, or with respect to, electoral events under the *Canada Elections Act* and the *Referendum Act*.

Each year, the Office of the Chief Electoral Officer reviews the tariffs of fees and proposes pertinent adjustments to avoid having to request substantial increases close to an electoral event. The Federal Elections Fees Tariff is currently being reviewed to consider observations and suggestions received subsequent to the 1993 general election. Also, an initiative is underway to harmonize the Federal Referendum Fees Tariff, which has been in effect since July 1, 1992, and the Federal Elections Fees Tariff, which has been in effect since July 1, 1993.

The impact of these statutory instruments varies from year to year depending on what electoral activities are undertaken during the year. During an electoral event, the payments made under the tariffs could well exceed \$100,000,000.

Legal authority: *Canada Elections Act*; *Referendum Act*, section 198

Contact: Janice Vézina, Director, Election Financing Directorate, Elections Canada, 1595 Telesat Court, Ottawa, Ontario, K1A 0M6. Tel.: (613) 990-3747; Fax: (613) 990-2530.

Office of the Superintendent of Financial Institutions

Content

Initiatives for 1996

Assessment of Expenses Against Supervised Financial Institutions	276
Assets (Foreign Companies) Regulations.....	276
Financial Sector Reform.....	273
Investment Valuation Rules - Determination of Market Value and Accounting for Substantial Investments	274
Investment Valuation Rules for Insurance Companies - Capital Gains Treatment on Realization of Security and Appropriations of Capital	275
Orders - Administrative Agreement	277
Orders - Financial Institutions Legislation	277
Pension Benefits Standards Regulations, 1985	275
Pension Benefits Standards Regulations, 1985 - Unlocking of Locked-in RRSPs and LIFs of Non-residents	276
Pension Benefits Standards Regulations, 1985 - Exemptions	277
Pension Benefits Standards Regulations, 1985 - Life Income Funds	277
Supervision of Financial Institutions - Miscellaneous Amendments.....	278

Future initiatives

Regulatory and Supervisory System - Enhancement - Standards for Life Insurers.....	278
Pensions Benefits Standards Regulations, 1985 - Solvency Funding Rules	278

General information

Roles and responsibilities

The Office of the Superintendent of Financial Institutions (OSFI) was established on July 2, 1987 by an act of Parliament that amalgamated the Department of Insurance and the Office of the Inspector General of Banks. OSFI is responsible for

supervising all federally regulated financial institutions and employer-sponsored pension plans relative to employment under federal jurisdiction. In addition, OSFI provides actuarial advice to other departments and performs extensive actuarial services in the valuation of government pension and insurance programs.

Pursuant to the *Office of the Superintendent of Financial Institutions Act*, OSFI is responsible for administering legislation governing banks and federally regulated insurance, trust, loan and investment companies as well as cooperative credit associations. The deputy head of OSFI is the Superintendent of Financial Institutions, and the Minister of Finance is the responsible minister.

The primary objective of OSFI is to protect the interests of depositors, policyholders, creditors and pension plan members by ensuring, to the extent possible, the soundness of both institutions and pension plans. OSFI examines and regulates supervised institutions and pension plans for compliance with applicable legislation, related regulations and guidelines. It also gathers information concerning the operations of institutions and pension plans to develop sound regulatory policies and to assess strengths and weaknesses in the financial system.

Legislative mandate

The major statutes under the administration of OSFI are the following:

- *Bank Act*
- *Civil Service Insurance Act*
- *Cooperative Credit Associations Act*
- *Excise Tax Act, Part I*
- *Insurance Companies Act*
- *Investment Companies Act*
- *Office of the Superintendent of Financial Institutions Act*
- *Pension Benefits Standards Act, 1985*
- *Trust and Loan Companies Act*

Administrative arrangements

- *Canada Deposit Insurance Corporation Act*
- *Corporations Act (Manitoba)*
- *Income Tax Act*
- *Insurance Act (Manitoba)*
- *Insurance Act (New Brunswick)*
- *Insurance Act (Ontario)*

- *Insurance Companies Act* (Newfoundland)
- *Licensing Act* (Prince Edward Island)

By agreement with Indian and Northern Affairs Canada (INAC), OSFI advises INAC with respect to the technical aspects of the Band Employee Benefits (BEB) program to ensure compliance with funding criteria established by INAC and Treasury Board. OSFI also coordinates reviews of pension plans applying for BEB funding and amendments to funded pension plans to ensure their compliance with the *Pension Benefits Standards Act, 1985* and the registration provisions of the *Income Tax Act*.

Initiatives for 1996

OSFI/92-1-M

Financial Sector Reform

The *Bank Act*, the *Trust and Loan Companies Act*, the *Insurance Companies Act*, and the *Cooperative Credit Associations Act* were proclaimed in force on June 1, 1992.

Although many regulations have been promulgated under the 1992 legislation, a number remain to be promulgated. Some of the regulations currently in force may require minor "fine tuning" amendments.

Extensive industry consultation and discussion preceded the promulgation of the regulations currently in force, and will precede the promulgation of future regulations and amendments. A summary of the regulations to be promulgated or amended follows.

Form of proxy: The regulations will prescribe the form and content of the proxy solicitation to be sent to shareholders and policyholders of financial institutions and filed with the Superintendent. The Form of Proxy Regulations promulgated under the *Bank Act* of 1980 continue in force for banks under the new *Bank Act*, having been carried forward by virtue of the provisions contained in the *Interpretation Act*. These will be revoked and replaced by amended regulations, which will apply to banks, cooperative credit associations, insurance companies, and trust and loan companies.

It was originally proposed that these regulations would be similar to those under the *Bank Act* of 1980. Draft regulations are now being developed to reflect the form and content of proxy solicitation under Part IV of the *Canada Business Corporations Act*. As the form and content of the proxy solicitation under the

Canada Business Corporations Act are being amended, the draft regulations will be further amended.

Insider reports: The regulations will prescribe the form of the insider report that must be filed with the Superintendent in connection with the ownership or acquisition of shares of a financial institution.

The Insider Reports Regulations promulgated under the *Bank Act* of 1980 continue in force for banks under the new *Bank Act*, having been carried forward by virtue of the provisions contained in the *Interpretation Act*. These will be revoked and replaced by amended regulations, which will apply to banks, cooperative credit associations, insurance companies, and trust and loan companies.

It was originally proposed that these regulations would be similar to those under the *Bank Act* of 1980. Draft regulations are now being developed to reflect the form of insider reports under Part IV of the *Canada Business Corporations Act*. As the form of insider reports under the *Canada Business Corporations Act* is being amended, the draft regulations will be further amended.

Insurance activities: The regulations will delineate the relationships that cooperative credit associations maintain with entities or individuals that engage in or carry on the business of insurance, and with insurance companies, insurance agents and insurance brokers. The regulations will also define the insurance-related activities in which cooperative credit associations may engage and the manner in which they may promote insurance, and will address the use and distribution of protected types of information.

It is expected that the regulations will be similar to the Insurance Business Regulations promulgated on May 21, 1992 with respect to banks and trust and loan companies.

Credit information: The regulations will address the use and distribution by an insurance company of protected types of information.

Minority investments: The legislation provides that a financial institution cannot acquire or increase substantial investments in corporations carrying on certain activities, unless the institution controls the corporations, or unless allowed by the regulations.

The current regulations establish the circumstances in which a financial institution may acquire or increase substantial investments in corporations without acquiring a controlling interest in such corporations. These regulations require that the corporation in

which the substantial investment is held be controlled by a regulated financial institution or a regulated financial holding company.

One of the types of corporations in which financial institutions are allowed to acquire a substantial but non-controlling investment is an insurance company. Some insurance companies are mutual companies, which are owned by their policyholders. Mutual companies are allowed to issue preferred shares, but are not allowed to issue voting, common shares. Mutual companies cannot, therefore, be controlled by anyone other than their policyholders. However, it is possible that a financial institution could acquire a substantial investment in a mutual company by acquiring preferred shares.

The current regulations will be amended to allow regulated financial institutions to acquire a substantial investment in a mutual insurance company.

Further, section 3 of the Minority Investment Regulations may be amended to change the requirement for control by a financial institution or a regulated financial holding company.

Related-party transactions: The legislation prohibits transactions between a financial institution and parties related to it, other than transactions specifically permitted by the legislation or regulations. On May 21, 1992, regulations were promulgated permitting certain related-party transactions between foreign bank subsidiaries in Canada and their foreign parent banks.

Regulations may be developed to allow certain transactions to be carried out as permitted transactions between an entity controlled by federally regulated financial institutions and related parties of the federally regulated financial institution. The regulations bank would prescribe the terms and conditions under which the transactions could be carried out.

Additional regulations are proposed to allow financial institutions to allocate tax deductions among related parties, as provided by the *Income Tax Act*, and to allow financial institutions to effect certain changes to their capital structure, such as the redemption or purchase for cancellation of their own shares, as permitted transactions.

These regulations will impose initial administrative costs on the financial sector, which must implement systems to ensure compliance, and will impose some ongoing costs in maintaining and refining these systems. Also, OSFI has incurred expenses in developing these regulations, and will incur ongoing

costs in monitoring them. However, although the ongoing costs may be greater than the costs incurred under the previous legislation and regulations, they should not be significantly higher.

Legal authority: *Bank Act, Cooperative Credit Associations Act, Insurance Companies Act, Trust and Loan Companies Act*

Contact: Karl Adamsons, Manager, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9960; Fax: (613) 952-8219.

OSFI/93-4-I

Investment Valuation Rules - Determination of Market Value and Accounting for Substantial Investments

The existing Investment Valuation Regulations promulgated under former insurance legislation continue in force under the new *Insurance Companies Act*, having been carried forward by virtue of the provisions contained in the *Interpretation Act*.

It is intended that these regulations operate in substantially the same manner under the *Insurance Companies Act* as they did under the former legislation. To achieve this objective, it is necessary to amend the Regulations to address the determination of market values with respect to substantial investments and closely held equity investments held by federally regulated property and casualty insurance companies. It may also be necessary to make some additional minor amendments.

These amendments are technical in nature. They clarify the intent of OSFI to continue the previous rules, and will impose no additional costs on the regulated companies.

Other than the costs incurred in developing and processing them, these amendments will have no significant effect on costs incurred by OSFI.

Legal authority: *Insurance Companies Act*

Contact: Jeff Bee, Manager, Operations Analysis Section, Property and Casualty Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-6036; Fax: (613) 952-8219.

Investment Valuation Rules for Insurance Companies - Capital Gains Treatment on Realization of Security and Appropriations of Capital

Capital gains treatment on realization of security: To ensure a more equitable distribution among generations of policyholders of the unrealized appreciation or depreciation of real estate held by companies, the current regulations provide that the capital gains and losses resulting from sales of real estate are brought into income over a period of time instead of being directly reflected in income and surplus in the year of disposal.

These regulations are to be amended to clarify that this treatment is not to be accorded to real estate acquired pursuant to the realization of a security interest against real property. In this situation, real estate is to be carried at market value; thus, any fluctuations in value will be brought into income as they occur.

Appropriations of capital: The current regulations provide for the establishment of certain reserves. Because the Minimum Continuing Capital and Surplus Rules, which measure the capital adequacy of life insurance companies, are now effective, some of the existing reserves have become inappropriate or redundant. The regulations will be amended to address such inappropriateness or redundancy.

These amendments are technical in nature, and will impose no additional costs on the regulated companies.

Other than the costs incurred in developing and processing them, these amendments will have no significant effect on costs incurred by OSFI.

Legal authority: *Insurance Companies Act*

Contact: Henry Heft, Manager, Operations Analysis Section, Life Insurance Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-7608; Fax: (613) 952-8219.

Pension Benefits Standards Regulations, 1985

The *Pension Benefits Standards Act, 1985* sets standards for the registration of pension plans subject to federal supervision. The regulations made pursuant to the Act

contain additional requirements necessary to carry out its intent. Ongoing administrative experience, including discussions with administrators and professionals, indicates that further changes are required to reflect current policy and practice.

The following list outlines the more significant changes that OSFI is in the process of drafting.

Information returns: The current regulations require that plans provide OSFI with investment information and membership and contribution information. The regulations will be amended to change some of the reporting requirements.

For regulatory purposes, less information is required about a defined contribution plan than is required about a defined benefit plan. Accordingly, the regulations will also be amended to require that different information be provided with respect to each of the types of plans.

Canadian Institute of Actuaries valuation standards: When applying for registration under the Act, a proposed plan is required to file an actuarial report that complies with specific valuation standards established by the Canadian Institute of Actuaries (CIA). From time to time, the CIA amends such standards.

The regulations will be amended to require that the report comply with the latest standards developed by the CIA.

Distribution of assets from wound-up plans: The Act provides the Superintendent with authority to make regulations respecting the distribution of assets of a pension plan that is being wound up. To date, no such regulations have been promulgated.

Many plan texts do not state how the assets of the pension fund are to be distributed when the plan is wound up. Therefore, the plan's trustees determine who is entitled to full or partial benefits. Several methods could reasonably be used to allocate assets, leading to uncertainty and possible controversy.

The regulations will be amended to provide a method of distributing assets when the plan is wound up for those plans that do not address this issue.

These amendments address certain technical problems and clarify the intent of the regulations. They will resolve uncertainty, lessen the administrative burden and costs currently incurred by pension plans and their trustees, and make pension plans more efficient and easier to supervise.

Other than the costs incurred in developing and processing them, these amendments will have no significant effect on costs incurred by OSFI.

Legal authority: *Pension Benefits Standards Act, 1985*

Contact: Jean-Noël Martineau, Director, Pension Benefits Standards Act, 1985 Section, Pension Benefits Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-8083; Fax: (613) 952-8219.

OSFI/95-3-I

Assessment of Expenses Against Supervised Financial Institutions

Expenses incurred by OSFI in supervising financial institutions are assessed against the institutions supervised, in accordance with a formula, based on premium income for insurance companies and on average assets for other institutions. At present, expenses of administering each act are assessed against institutions registered or licensed under that act. Thus, expenses of administering the *Bank Act* are assessed against banks, expenses of administering the *Insurance Companies Act* are assessed against insurance companies and fraternal benefit societies, and so on.

Assessment of financial institutions regulations, 1995: With the trend in the deposit-taking industry towards increasing cross-ownership and the similarity in the provisions of the legislation governing the supervision of banks and trust and loan companies, OSFI is considering combining these types of institutions into one group for cost recovery purposes, with related changes to the assessment formula.

The amendments will result in a redistribution of OSFI's costs, with some types of institutions paying a larger share and some types of institutions paying a smaller share than was previously the case. The net effect, however, will be neutral on the financial services industry as a whole. These amendments will affect the distribution of expenses for the years 1994-95 to 1996-97.

OSFI is considering amending the regulations to permit the recovery of certain preparatory expenses incurred prior to taking control of Confederation Life Insurance Company. The proposed amendment provides that the preparatory expenses will be borne only by life insurance companies.

Recovery of expenses incurred in respect of Confederation Life Insurance Company: OSFI is considering a second amendment to permit the

recovery of the liquidation expenses incurred in taking control of Confederation Life Insurance Company. The proposed amendment provides that the liquidation expenses will be borne only by life insurance companies.

Legal authority: *Office of the Superintendent of Financial Institutions Act*, subsection 23(3); *Insurance Companies Act*, subsection 687(1)

Contact: Arthur Tam, Manager, Financial Services, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-7855; Fax: (613) 952-8219.

OSFI/96-1-L

Assets (Foreign Companies) Regulations

Foreign life insurance companies are required to maintain assets in Canada. The regulations determine the amount and value of assets that need to be maintained in Canada. The amount and value are based on actuarial valuation standards and accounting standards that are constantly evolving. Amendments to the Assets (Foreign Companies) Regulations are required to better adapt them to the changing actuarial and accounting standards.

Legal authority: *Insurance Companies Act*, sections 608, 609 and 610

Contact: Johanne Prévost, Manager, Supervisory Policy (Insurance), Policy and Research Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-7245; Fax: (613) 952-8219.

OSFI/96-2-L

Pension Benefits Standards Regulations, 1985 - Unlocking of Locked-in RRSPs and LIFs of Non-residents

The Regulations presently permit a pension plan to unlock benefits of a member or former member who has ceased to be resident of Canada for at least two calendar years. The Regulations will be amended to permit locked-in Registered Retired Savings Plans and Life Income Funds also to contain a provision that would allow former members who have become permanent non-residents of Canada to unlock their funds. The option to permit unlocking of locked-in benefits will also be extended to spouses who have become permanent non-residents of Canada.

The initiative is in response to requests to permit plan members, who leave Canada permanently to be

allowed to transfer their Canadian pension entitlements. It is expected to be a welcome change that will alleviate the administration of expatriate benefits.

Legal authority: *Pension Benefits Standards Act, 1985*

Contact: Jean-Noël Martineau, Director, Pension Benefits Standards Act, 1985 Section, Pension Benefits Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-8083; Fax: (613) 952-8219.

OSFI/96-3-I

Pension Benefits Standards Regulations, 1985 - Exemptions

The definition in the *Pension Benefits Standards Act*, of "pension plan" permits excluding "any other prescribed arrangement." The Regulations will define the prescribed arrangements as those small pension plans whose members are "specified individuals" as per the *Income Tax Act* or "connected persons" as defined in subsection 8500(3) of the *Income Tax Regulations*. These small plans will be exempt from most of the standards for registration under the Act but there will be no exemption from standards protecting spousal benefits.

Legal authority: *Pension Benefits Standards Act, 1985*

Contact: Jean-Noël Martineau, Director, Pension Benefits Standards Act, 1985 Section, Pension Benefits Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-8083; Fax: (613) 952-8219.

OSFI/96-4-L

Pension Benefits Standards Regulations, 1985 - Life Income Funds

The *Pension Benefits Standards Act, 1985* has been amended to permit Life Income Funds (LIF) as one transfer option for locked-in pension entitlements. This change was announced in the February 1995 budget. The required amendment to the Regulations to prescribe the LIF vehicle is to be effected shortly.

Other than the costs incurred in developing and processing them, these amendments will not significantly increase the costs incurred by OSFI.

Legal authority: *Pension Benefits Standards Act, 1985*, sections 26 and 28 and paragraph 39(o)

Contact: Jean-Noël Martineau, Director, Pension Benefits Standards Act, 1985 Section, Pension Benefits

Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-8083; Fax: (613) 952-8219.

OSFI/96-5-L

Orders - Administrative Agreements

The Minister of Finance may, with the approval of the Governor in Council, enter into agreements with provincial pension regulators to share administrative functions. The agreements will eliminate the duplication of efforts that occurs when both the federal and provincial regulators have authority to regulate the same pension plans. The Superintendent is negotiating agreements with a number of provincial regulators. An order from the Governor in Council will be sought so that the Minister may enter into such agreements.

Legal authority: *Pension Benefits Standards Act, 1985*, section 6

Contact: Jean-Noël Martineau, Director, Pension Benefits Standards Act, 1985 Section, Pension Benefits Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-8083; Fax: (613) 952-8219.

OSFI/R-6-I

Orders - Financial Institutions Legislation

Various sections of the *Bank Act*, the *Trust and Loan Companies Act*, the *Insurance Companies Act* and the *Cooperative Credit Associations Act* provide the Superintendent, the Minister of Finance or the Governor in Council with authority to grant permissions, approvals, consents, exemptions and similar dispensatory relief to financial institutions, and the authority to require that institutions take or refrain from taking certain actions. A number of these relief provisions and directions are expected to be exercised during 1996 but it is impossible to determine how frequently they will be exercised.

The use of relief provisions and directions is part of the ongoing process of routine supervisory control. The use of these regulatory tools is intended to enhance public protection and choice with the least possible disruption to the institutions affected. The use of relief provisions will, in most cases, lessen the regulatory burden and should not impose any additional costs on the regulated institutions. The use of directions will impose additional restrictions on institutions and, depending upon the nature of the direction, may result in increased costs to the

regulated institutions. However, such directions will only be used when necessary, in circumstances in which the benefit to the financial system outweighs the increased costs imposed on the regulated institutions.

Other than the costs incurred in processing them, relief provisions and directions will have no significant effect on costs incurred by OSFI.

Legal authority: *Bank Act, Cooperative Credit Associations Act, Insurance Companies Act, Trust and Loan Companies Act*

Contact: Paul Fecser, Director, Corporate Analysis and Rulings Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-8798; Fax: (613) 952-8219.

OSFI/96-6-I

Supervision of Financial Institutions - Miscellaneous Amendments

The Governor in Council has, from time to time, made regulations pursuant to authority contained in the *Office of the Superintendent of Financial Institutions Act* and the various other statutes administered by OSFI. These regulations deal primarily with matters pertaining to the supervision of financial institutions. It is likely that, during 1996, minor changes to some of these regulations will be necessary to clarify intent and purpose, to correct ambiguities or discrepancies, or to delete obsolete provisions.

Because the changes will be minor, these amendments are not expected to have any material effect or to impose any significant costs on regulated financial institutions or the general public.

Other than the costs incurred in developing and processing them, these amendments will have no significant effect on costs incurred by OSFI.

Legal authority: *Bank Act, Cooperative Credit Associations Act, Insurance Companies Act, Trust and Loan Companies Act*

Contact: Karl Adamsons, Manager, Legislation and Precedents Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-9960; Fax: (613) 952-8219.

Future initiatives

Regulatory and Supervisory System - Enhancement - Standards for Life Insurers

The amendments to financial institution legislation proposed in Bill C-100 are intended to enhance the regulatory and supervisory system by introducing an early intervention policy that would allow OSFI to take control of a federally regulated financial institution earlier, requiring enhanced disclosure of financial information by financial institutions and by OSFI, and providing an expanded role for OSFI in the governance of troubled institutions.

A proposed amendment to the *Insurance Companies Act* in Bill C-100 would allow OSFI to make regulations prescribing the standards of sound business and financial practices for insurance companies, societies, provincial companies and foreign companies. OSFI proposes to work with the industry on comprehensive standards of sound business and financial practices. It is proposed that the comprehensive standards will be issued. However, it may be necessary to develop regulations that would prescribe the standards.

Classification: Major initiative

Contact: Johanne Prévost, Manager, Supervisory Policy (Insurance), Policy and Research Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-7245; Fax: (613) 952-8219.

Pensions Benefits Standards Regulations, 1985 - Solvency Funding Rules

The current regulations provide that, where a valuation reveals a solvency deficiency, the deficient amount must be paid within the five years following the valuation. The Regulations will be amended to shorten this period to three years.

The Regulations will also be amended to provide that, where a plan has a solvency deficiency, the cost of any improvements to the benefits will have to be fully paid at the time the improvements are made.

Classification: Intermediate-cost initiative

Contact: Jean-Noël Martineau, Director, Pension Benefits Standards Act, 1985 Section, Pension Benefits Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario, K1A 0H2. Tel.: (613) 990-8083; Fax: (613) 952-8219.

Progress report on initiatives listed in the 1995 Plan

The Progress report tracks the progress made on initiatives listed in the 1995 *Plan* as of September 15, 1995. Future initiatives listed in the 1995 *Plan* are not included in the Progress report.

With the introduction of the numbering sequence, carry-over initiatives and recurring initiatives are accompanied with the 1996 *Plan* number.

STATUS CODES

SOR/95-(No.) =	Final approval received, registered under this number and published in Part II of the <i>Canada Gazette</i>
SI/95-(No.)	
G-DD/MM =	Pre-published in the <i>Canada Gazette</i> , Part I. Proceeding to final approval
S-DD/MM =	Mandatory standards completed
C =	Carried over to 1996 <i>Federal Regulatory Plan</i> accompanied with the 1996 <i>Plan's</i> number
D =	Delayed
J =	At PCO-J for legal examination
N =	Not yet published
R =	Recurring initiative accompanied with the 1996 <i>Plan's</i> number
X =	Withdrawn

Justice Canada	293
National Defence	294
Natural Resources Canada	296
Public Works and Government Services Canada	298
Revenue Canada	298
Solicitor General Canada	299
Correctional Services Canada	299
National Parole Board	300
RCMP External Review Committee	300
Royal Canadian Mounted Police	300
Transport Canada	300
Treasury Board of Canada Secretariat	303
Veterans Affairs Canada	303

Regulatory agencies

Atlantic Canada Opportunities Agency	281
Atomic Energy Control Board	281
Canada Mortgage and Housing Corporation	281
Canadian Human Rights Commission	282
Canadian Radio-television and Telecommunications Commission	282
Copyright Board Canada	283
Hazardous Materials Information Review Commission Canada	288
Immigration and Refugee Board	291
National Energy Board	294
National Transportation Agency	295
Office of the Chief Electoral Officer	297
Office of the Superintendent of Financial Institutions	297
Patented Medicine Prices Review Board	298

Content

Departments and administrative bodies

Agriculture and Agri-Food Canada	280
Canadian Heritage	281
Citizenship and Immigration Canada	282
Environment Canada	283
Finance Canada	284
Fisheries and Oceans	286
Foreign Affairs and International Trade Canada	287
Health Canada	288
Human Resources Development Canada	289
Indian and Northern Affairs Canada	291
Industry Canada	292

Initiative	Status	Initiative	Status
Agriculture and Agri-Food Canada			
Agr/95-1-N-M	Agr/95-1-M	Agr/95-10-N-I	J,X
Cost-Sharing Arrangements		Health of Animals Regulations - Import - Animals	
Livestock Carcass Grading Regulations	SOR/95-214	Agr/95-11-O-L	transferred to Health Canada
Seeds Regulations	SOR/95-215	Pest Control Products Regulations - Scheduling of Products for Use in Apiculture	
Processed Poultry Regulations	SOR/95-216	Agr/95-12-O-L	transferred to Health Canada
Meat Inspection Regulations	SOR/95-217	Pest Control Products Regulations - Data Requirements Clarification	
Plant Protection Regulations	SOR/95-218	Agr/95-13-N-I	C
Health of Animals Regulations	SOR/95-198	Administrative Monetary Penalty System Regulations	Agr/95-13-I
Dairy Products Regulations	C	Agr/95-14-O-I	C
Feeds Regulations	C	Health of Animals Regulations - Veterinary Biologics	Agr/94-20-I
Fertilizers Regulations	C	Agr/95-15-O-I	C
Egg Regulations	C	Seeds Regulations - Authorization of Field Testing	Agr/94-44-I
Licensing and Arbitration Regulations	C	Agr/95-16-N-I	C
Organic Food Production Regulations	D	Clarification of Field Testing Notification	Agr/95-16-I
Pest Control Products Regulations	transferred to Health Canada	Agr/95-17-O-I	C
Plant Breeders' Rights Regulations	D	Clarification of Field Testing Notification	Agr/95-16-I
Agr/95-2-N-M	C	Agr/95-18-R-I	R,C
Seeds Regulations, Part II (seed potatoes)	Agr/95-2-M	Protection for the Income of Dairy Producers Regulations 1994-95	SOR/95-131 Agr/R-13-I
Agr/95-3-O-L	D	Agr/95-19-O-I	C
Dairy Products Pasteurization Standards		Farm Improvement and Marketing Cooperatives Loans Regulations - Amendments	Agr/92-51-I
Agr/95-4-O-L	D	Agr/95-20-R-L	R,C
Meat Inspection Regulations, 1990: Harmonization of Standards - Phosphate Salts		Pari-Mutuel Betting Supervision Regulations - Drug Schedule Additions	SOR/95-51 Agr/R-12-L
Agr/95-5-O-I	C	Agr/95-21-R-I	R,J,C
Initiatives Resulting from the Regulatory Review of the Food and Drug Regulations	Agr/95-5-I	Canada Grain Regulations - Fees of the Commission	Agr/R-9-I
Agr/95-6-N-L	C	Agr/95-22-R-I	R,J,C
Dairy Products Regulatory Review	Agr/95-6-L	Canadian Grain Regulations - Grades	Agr/R-10-I
Agr/95-7-N-L	C	Agr/95-23-R-L	R,C
Fresh Fruit and Vegetable Regulatory Review	Agr/95-7-L	Canadian Wheat Board Regulations - Initial Payments	SOR/95-88 Agr/R-11-L
Agr/95-8-O-I	J		
Revision of Licensing and Arbitration Regulations			
Agr/95-9-O-I	D		
Health of Animals Regulations - Regulatory Review			

Initiative	Status	Initiative	Status
Agr/95-24-O-L Terms and Conditions for the Use of "Canada" Grade Names	C Agr/94-6-L	AECB/95-5-O-L Uranium Mines (Saskatchewan) - Occupational Health and Safety	X
Agr/95-25-O-L Fat Content of Ground Meat	C Agr/95-25-L	AECB/95-6-R-I Uranium Mines (Ontario) - Occupational Health and Safety	C AECB/R-1-I
Agr/95-26-O-I Organic Food Production Regulations	D	AECB/95-7-R-I Cost Recovery Fees Regulations - Amendments	C AECB/R-2-I
Agr/95-27-O-L Livestock Carcass Grading Regulations - Hog Carcass Cutout	SOR/95-130	Canada Mortgage and Housing Corporation	
Agr/95-28-N-L Specification of Species Subject to Variety Registration	D	CMHC/95-1-O-L Loan Insurance and Mortgage-Backed Securities	C CMHC/93-1-L
Agr/95-29-N-L Plant Breeders' Rights Regulations - Amendment	C Agr/95-29-L	CMHC/95-2-O-L Social Housing	X
Agr/95-30-O-L Standards and Labelling Requirement Revisions	C Agr/94-14-L	Canadian Heritage	
Agr/95-31-O-L Housekeeping Revisions To Feeds Regulations Schedules	X	HER/95-1-O-L Canadian Films and Video Tapes Certification Fees Order	X
Agr/95-32-O-L Feeds Regulations - Minor and Editorial Updates	C Agr/94-12-L	HER/95-2-O-L Amendments to the National Parks Building Regulations	C EC/93-26-I
Agr/95-33-N-I Canada Grain Regulations - Miscellaneous Amendments	J	HER/95-3-O-L Amendments to the National Parks Fishing Regulations	N,C HER/94-7-L
Atlantic Canada Opportunities Agency		HER/95-4-O-L Regulations Relating to the Proclamation of Gros Morne National Park	J,C EC/91-269-L
ACOA/95-1-O-L ACOA Loan Insurance	SOR/95-470	HER/95-5-O-L Regulations Relating to the Proclamation of Pacific Rim National Park Reserve	X
ACOA/95-2-O-L Action Loan	SOR/95-458	HER/95-6-N-L Amendments to National Parks Lease and Licence of Occupation Regulations	C G-26/08 HER/95-6-I
Atomic Energy Control Board		HER/95-7-N-L Amendments to Regulations Applicable to Communities in National Parks	C HER/95-7-L
AECB/95-1-O-M Radiation Protection Regulations	C AECB/92-4-I	HER/95-8-N-L Amendments to the National Parks Highway Traffic Regulations	C SOR/95-150 HER/96-1-L
AECB/95-2-N-L Industrial Radiography Regulations	X		
AECB/95-3-N-L Nuclear Security Regulations	X		
AECB/95-4-O-I Transport Packaging of Radioactive Materials	X		

Initiative	Status	Initiative	Status
HER/95-9-N-L Amendments to the National Parks Wildlife Regulations	C HER/95-9-L	Citizenship and Immigration Canada	
HER/95-10-R-I Amendments to National Historic Parks Order	C SOR/95-292 HER/R-4-L	CIC/95-1-O-I Immigration Regulations, 1978 - Transportation, Assistance and Admissibility Loans	SOR/95-121
HER/95-11-O-L Deregulation of Parks Canada User Fees	C SOR/95-150 HER/96-2-L	CIC/95-2-O-I Immigration Regulations, 1978 - Skilled Worker Immigrant Classes	J
HER/95-12-O-L Amendment of the "Direction to the CRTC (Eligible Canadian Corporations) C.R.C. c. 376"	G-08/10	CIC/95-3-N-M Immigration Regulations, 1978 - Business Immigrant Classes	C CIC/95-3-M
HER/95-13-O-I Fees for Tours, Services and Use of Facilities in National Battlefields Park in Quebec	X	CIC/95-4-O-I Citizenship Regulations (general)	C CIC/95-4-I
HER/95-14-R-L National Library of Canada Fees Order	X	CIC/95-5-R-I Citizenship Regulations (cost recovery)	R,C SOR/95-122 CIC/R-1-M
Canadian Human Rights Commission		CIC/95-6-R-I <i>Immigration Act</i> - Fees Regulations - New and Modified Fees	R,C SOR/95-120 CIC/R-2-M
CHRC/95-1-N-I <i>Canadian Human Rights Act</i> - Investigation Regulations	D	CIC/95-7-R-L Immigration Regulations, 1978 - Visitor Visa Requirements	R,C SOR/95-71 SOR/95-393 CIC/R-3-L
Canadian Radio-television and Telecommunications Commission		CIC/95-8-O-M Immigration Regulations, 1978 - General Agreement on Trade in Services (GATT)	SOR/95-24
CRTC/95-1-N-L Canadian Talent Development Assessment	C CRTC/95-1-L	CIC/95-9-O-M Immigration Regulations, 1978 - Family Class	C EIC/94-18-I
CRTC/95-2-R-L Digital Radio	C CRTC/95-2-L	CIC/95-10-N-L Immigration Regulations, 1978 - Parent/Guardian Consent to Intercountry Adoption	C CIC/95-10-I
CRTC/95-3-O-L Television	SOR/94-634	CIC/95-11-O-L Immigration Regulations, 1978 - Conformity with Revised Statutes, 1985	J
CRTC/95-4-N-L Licensing vs. Exemption/Full-Motion Home Shopping Infomercial Channels	S-04/02	CIC/95-12-O-M Refugee Resettlement from Abroad Class Regulations and Private Sponsorship Provisions	J
CRTC/95-5-O-L Radio, Television and Specialty Services Regulations	C CRTC/94-5-L	CIC/95-13-O-L Immigration Regulations, 1978 - Employment Authorization Exemption	C EIC/92-12-L
CRTC/95-6-N-L Telecommunications Fees Regulations	SOR/95-157		
CRTC/95-7-O-L Telecommunications Rules of Procedure	X		

Initiative	Status	Initiative	Status
CIC/95-14-O-L Immigration Regulations, 1978 - Visa Officers not required to Determine whether a Child in the Custody of a Non-immigrating Parent is a Member of an Inadmissible Class	C CIC/94-17-L	EC/95-5-N-L Repeal of the Meat and Poultry Products Plant Liquid Effluent Regulations	D
CIC/95-15-N-L Immigration Regulations, 1978 - Definition of Spouse	C CIC/95-15-L	EC/95-6-O-I Storage Tank Systems Registration Regulations and Technical Guidelines	C EC/94-12-I
CIC/95-16-N-L Immigration Regulations, 1978 - Application for an Employment Authorization by a Person in Canada	SOR/94-773	EC/95-7-O-I PCB Regulations - Amendment	C EC/94-5-I
CIC/95-17-O-L Immigration Regulations, 1978 - Pending Criminal Charges	C CIC/94-20-L	EC/95-8-O-I Confidential Information Regulations	D
CIC/95-18-N-L Immigration Regulations, 1978 - Alternative Examination of Persons Seeking to Enter Canada	C CIC/95-18-L	EC/95-9-O-M New Substances Notification Regulations - Amendment (Part III - Biotechnology Products)	D
Copyright Board Canada		EC/95-10-N-L Prohibited Substances Regulations	D
CB/95-1-O-L Copyright Board Rules of Practice and of Procedure	C CBC/90-690-L	EC/95-11-N-M Ozone-Depleting Substances - Amendment to Control Hydrochlorofluorocarbons (HCFCs)	J
CB/95-2-O-L Regulation on the Deadline for Filing Claims concerning Rights arising from the Retransmission of Work whose Owner is not represented by a Collecting Body	C CBC/91-673-L	EC/95-12-O-L Experimental Spill Regulations	C EC/93-8-L
Environment Canada		EC/95-13-O-L Hazardous Waste Management at Federal Facilities	C EC/94-6-L
EC/95-1-O-I Petroleum Refinery Liquid Effluent Regulations and Guidelines - Amendment	D	EC/95-14-R-L Migratory Birds - Annual Game Bird Hunting	R SOR/95-296
EC/95-2-O-L Fuels Information Regulations No. 1 - Amendment	C EC/94-10-L	EC/95-15-O-L Migratory Birds, Migratory Bird Sanctuary, and Wildlife Area Regulations - General	SOR/94-684 SOR/94-594
EC/95-3-N-L Pulp and Paper Effluent Regulations - Amendment	J,C EC/95-3-L	EC/95-16-O-L Wildlife Area Regulations - Establishment or Change to Boundaries of National Wildlife Areas	EC/96-13-L
EC/95-4-N-L Repeal of the Potato Processing Plant Liquid Effluent Regulations	D	CFB Suffield, Tintamarre, Chignecto Îles de la Paix	C X
		Shepody, Îles de Contrecoeur and L'Estuaire	J
		Portobello Creek, Nirjutigavvik, Cap Tourmente, Pointe de l'Est, Lake St. François, and Pointe-au-Père	SOR/95-425
		Nisutlin	SOR/95-354

Initiative	Status	Initiative	Status
EC/95-17-N-L Migratory Bird Sanctuary Regulations - Establishment or Change to Boundaries of Migratory Bird Sanctuaries	C EC/95-17-L	Finance Canada	
Inkerman and Port Hebert Gros Mécatina, Montgagny, Carillon, Île St-Ours, Île de Kamouraska, Îles Pèlerins, îles du Pot à l'Eau-de-Vie, Île aux Fraises and Île Blanche	D J	Fin/95-1-R-I Temporary Reduction, Removal or Drawback of Customs Duties	R,C SOR/95-258 SOR/95-359 Fin/R-1-I
Cape Dorset	C	Fin/95-2-R-L Sports Equipment	R,C Fin/R-2-L
Kendall Island	X	Fin/95-3-R-L Goods for Disabled Persons	R,C SOR/95-259 Fin/R-3-L
Fielding, Young Lake and Guelph	SOR/94-684	Fin/95-4-R-M Tariff Treatment - Rules of Origin	R,C SOR/95-447 Fin/R-4-M
EC/95-18-N-I Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Regulations - New Regulations	C EC/95-18-L	Fin/95-5-R-IM General Preferential Tariff Orders	R,C Fin/R-5-I
EC/95-19-N-L Migratory Birds - Increase to Migratory Game Bird Hunting Permit Fee	X	Fin/95-6-R-IM The General Agreement on Tariffs and Trade and Other Trade Agreements	SOR/95-12 SOR/95-13 SOR/95-16 to SOR/95-23 SOR/95-27 SOR/95-146 SOR/95-300 SOR/95-348 SOR/95-349 SOR/95-378 to SOR/95-382 SI/95-6 SI/96-7 SI/95-87 to SI/95-89 Fin/R-6-M
EC/95-20-O-L Projects Outside Canada	C EC/95-20-L	Fin/95-7-R-I Preferential Tariff Treatment for Caribbean Commonwealth Countries (CARIBCAN)	R,C Fin/R-7-I
EC/95-21-N-L One Project, One Assessment	C EC/95-21-L	Fin/95-8-R-I Vessel Duty Removal/Reduction	R,C Fin/R-8-I
EC/95-22-O-M Procedural Regulations	C EC/95-22-L	Fin/95-9-R-I Most-Favoured-Nation Tariff Treatment	R,C Fin/R-9-I
EC/95-23-O-M Indian Reserve Lands/Indian Band Funding	D	Fin/95-10-R-L Handicraft Goods Order	R,C Fin/R-10-L
EC/95-24-O-M Crown Corporations and Harbour Commissions	C EC/91-278-M	Fin/95-11-R-I Preferential Tariff Treatment for Certain Commonwealth Countries	R,C SOR/95-465 Fin/R-11-I
EC/95-25-O-L Offshore Boards	C EC/91-283-L		
EC/95-26-O-L Minimal Federal Involvement	C EC/93-30-L		
EC/95-27-O-L National Security (Exclusion List)	D		
EC/95-28-O-L Fees and Charges for Special Services	X		
EC/95-29-N-L The Weather Modification Information Act	X		

Initiative	Status	Initiative	Status
Fin/95-12-R-L General Amending Orders	C SOR/95-360 to SOR/95-363 SOR/95-446 SI/95-81 SI/95-82 Fin/R-12-L	Fin/95-25-O-I Income Tax Regulations Relating to Unregistered Pension Plans	C Fin/93-10-I
Fin/95-13-R-I Remission of Duties	C SOR/95-89 to SOR/95-91 SOR/95-87 SOR/95-132 SOR/95-133 SOR/95-299 SOR/95-358 Fin/R-13-I	Fin/95-26-O-I Income Tax Regulations Relating to Indexed Debt Obligations	C Fin/93-12-I
Fin/95-14-R-I "Snapback" Tariffs on Fresh Fruits and Vegetables	R,C Fin/R-14-I	Fin/95-27-O-M Income Tax Regulations Relating to Life Insurance Companies and their Products	C Fin/92-33-M
Fin/95-15-R-LI Technical Amendments to the Customs Tariff	R,C Fin/R-15-L	Fin/95-28-O-I Interest Accrual Rules	C Fin/94-43-I
Fin/95-16-R-LI Regulations Pursuant to Schedule VII of the Customs Tariff	R,C Fin/R-16-I	Fin/95-29-O-M Scientific Research and Experimental Development (SR&ED)	SOR/95-63
Fin/95-17-R-I Remission of Anti-Dumping and Countervailing Duties	R Fin/R-17-I	Fin/95-30-O-I Tax Exemption for Employees of International Non-governmental Organizations	SOR/95-202
Fin/95-18-R-I <i>Special Import Measures Act</i> (SIMA)	R,C SOR/95-26 Fin/R-18-I	Fin/95-31-N-M Income Tax Regulations Relating to the 1994 Budget	C Fin/95-31-M
Fin/95-19-O-I Portfolio Management and Investment Counselling Regulations	C Fin/93-26-I	Fin/95-32-N-M Income Tax Regulations Relating to Income Tax Technical Amendments	C Fin/95-32-M
Fin/95-20-O-L Domestic Bonds of Canada Regulations	C Fin/94-20-L	Fin/95-33-R-? Budget Regulations	R Fin/96-31-M
Fin/95-21-O-I Proceeds of Crime (money laundering) Act Regulations	C Fin/95-21-I	Fin/95-34-R-? Other Income Tax Regulations	R,X Fin/96-32-M
Fin/95-22-O-I Financial Contracts Regulations	C Fin/R-22-I	Fin/95-35-O-I Agriculture and Fishing Property (GST) Regulations	C Fin/94-49-I
Fin/95-23-O-M Resource Allowance	C Fin/93-7-M	Fin/95-36-N-I Amalgamations and Windings-Up Continuation (GST) Regulations	C Fin/95-36-I
Fin/95-24-O-I Income Tax Regulations Relating to Registered Pension Plans	SOR/95-64	Fin/95-37-O-I Automobile Operating Cost Benefit (GST) Regulations	C Fin/94-50-I
		Fin/95-38-N-L Federal Sales Tax New Housing Rebate Regulations	J
		Fin/95-39-N-L Publications Supplied by a Non- resident Registrant (GST) Regulations	C Fin/95-39-L

Initiative	Status	Initiative	Status
Fin/95-40-O-I	C	Fin/95-56-R-?	R,C
Non-Taxable Imported Goods (GST) Regulations	Fin/94-51-I	Tax Collection Agreements and Federal Post-Secondary Education and Health Contributions Regulations, 1987	Fin/R-37-I
Fin/95-41-O-L	C		
Joint Venture (GST) Regulations	Fin/94-52-L	Fin/95-57-O-L	C
Fin/95-42-O-I	C	Canada-Nova Scotia Offshore Revenue Equalization Offset Payments Regulations, 1993	Fin/94-69-L
Value of Imported Goods (GST) Regulations	Fin/94-53-I		
Fin/95-43-O-I	C		
Streamlined Accounting (GST) Regulations	Fin/94-54-I	Fisheries and Oceans	
Fin/95-44-O-I	C	F&O/95-1-N-L	J
Financial Services (GST) Regulations	Fin/94-55-I	Alberta Fishery Regulations - Annual Amendments	
Fin/95-45-O-L	C	F&O/95-2-N-L	C
Debit and Credit Note Information (GST) Regulations	Fin/94-56-L	Atlantic Fishery Regulations, 1985 - Commercial Fishery Review	F&O/96-1-M
Fin/95-46-O-I	C	F&O/95-3-N-L	C
Public Service Body Rebate (GST) Regulations	Fin/94-57-I	Atlantic Fishery Regulations, 1985 - Close Times and Licence Requirements for all Species of Fish	F&O/96-1-M
Fin/95-47-O-L	C	F&O/95-4-N-L	C
Crown Agents (GST) Regulations	Fin/94-58-L	Atlantic Fishery Regulations, 1985 - Degradable Lobster Traps	F&O/96-1-M
Fin/95-48-O-I	C	F&O/95-5-N-L	C
Games of Chance (Lotteries) (GST) Regulations	Fin/94-59-I	Atlantic Fishery Regulations, 1985 - Management Measures Regarding Commercial Fishing at the Mouth of Salmon Rivers in Quebec	F&O/96-1-M
Fin/95-49-O-L	C	F&O/95-6-N-L	C
Taxes, Duties and Fees (GST) Regulations	Fin/94-61-L	Atlantic Fishery Regulations, 1985 - Minimum Size for Whelk	F&O/96-1-M
Fin/95-50-O-I	C	F&O/95-7-N-I	SOR/95-243
Mail and Courier Imports (GST) Regulations	Fin/94-62-I	Atlantic Fishery Regulations, 1985 - Moving the Boundary between Lobster Fishing Areas 33 and 34	
Fin/95-51-R-?	R,X	F&O/95-8-N-I	C
Budget (GST) Regulations	Fin/96-33-M	Atlantic Fishery Regulations, 1985 - Tour Boat Operations, Possession Limits, and Catch and Release Provisions	F&O/96-1-M
Fin/95-52-R-?	R,X	F&O/95-9-N-L	SOR/95-243
Other GST Regulations	Fin/96-34-M	Atlantic Fishery Regulations, 1985 - Removal of the "Silver Hake Box"	
Fin/95-53-O-L	SOR/95-257	F&O/95-10-N-L	J
Newfoundland Offshore Petroleum Resource Revenue Account Regulations		British Columbia Sport Fishing Regulations - Rewrite	F&O/96-1-M
Fin/95-54-R-?	R,C		
Federal-Provincial Fiscal Arrangements Regulations, 1994	Fin/R-35-M		
Fin/95-55-R-?	X		
Federal-Provincial Fiscal Arrangements Regulations, 1992			

Initiative	Status	Initiative	Status
F&O/95-11-N-L Fish Health Protection Regulations - Rewrite	C F&O/95-11-L	F&O/95-24-N-L Regulatory Amendments Consequential to Land Claim Settlements in the Northwest Territories	X
F&O/95-12-O-I Fish Inspection Regulations - Rewrite	C F&O/96-3-I	F&O/95-25-N-L Quebec Fishery Regulations, 1990 - Annual Amendments	SOR/95-165
F&O/95-13-N-I Fishery (General) Regulations - Fisheries Data Reporting and Record-keeping	C F&O/96-1-M	F&O/95-26-N-L Saskatchewan Fishery Regulations - New Provincial Fisheries Legislation	SOR/95-233
F&O/95-14-N-L Fishery (General) Regulations - Identification of Fishing Gear Left Unattended in the Water	SOR/95-242	F&O/95-27-N-L Yukon Territory Fishery Regulations - Designating Additional Lakes as High-Quality Management Waters	X
F&O/95-15-N-I Manitoba Fishery Regulations, 1987 - Annual Amendments	SOR/95-246	F&O/95-28-O-L Various Regulations - Revision of Prescribed Fines for Ticketable Offenses	X
F&O/95-16-N-L Maritime Provinces Fishery Regulations - Recreational Eel Fishery, Prince Edward Island	C F&O/96-1-M	Foreign Affairs and International Trade Canada	
F&O/95-17-N-L Maritime Provinces Fishery Regulations - Recreational Fishing Restrictions For Nova Scotia	C F&O/96-1-M	FAIT/95-1-R-L Export Control List	R,C FAIT/R-1-L
F&O/95-18-N-L Maritime Provinces Fishery Regulations - Ice Fishing in Prince Edward Island	C F&O/96-1-M	FAIT/95-2-R-L General Export Permits	R,C FAIT/R-2-L
F&O/95-19-N-L Maritime Provinces Fishery Regulations - Minimum Length of Trout for Prince Edward Island	C F&O/96-1-M	FAIT/95-3-R-L Export Permit Regulations	R,C FAIT/R-3-L
F&O/95-20-R-L Miscellaneous Amendments - Minor Corrections to Regulations made under the <i>Fisheries Act</i>	X	FAIT/95-4-R-L Area Control List	R,C FAIT/R-4-L
F&O/95-21-N-L Newfoundland Fishery Regulations - Rewrite	C F&O/96-1-M	FAIT/95-5-N-M Regulations to implement agreements reached under the General Agreement on Tariffs and Trade in the Uruguay Round of Multilateral Trade Negotiations	SOR/95-32 to SOR/95-44 SOR/95-395 to SOR/95-401
F&O/95-22-N-I Ontario Fishery Regulations, 1989 - Annual Amendments	J	FAIT/95-6-O-L General Import Permits - Textiles and Clothing	DJ
F&O/95-23-N-L Pacific Fishery Regulations, 1993 - Commercial Fishery Review	C F&O/96-1-M	FAIT/95-7-O-L Import Control List - Harmonized System	C FAIT/96-3-L
		FAIT/95-8-R-L Import Control List - Textiles and Clothing	X

Initiative	Status	Initiative	Status
FAIT/95-9-R-L Privileges and Immunities Order	R,C FAIT/R-5-L	HCan/95-10-R-L Food and Drugs Act and Regulations: Schedules A, D, G, and F - Additions, Deletions and Corrections	R,C SOR/95-79 HCan/R-13-L HCan/R-15-L
FAIT/95-10-N-I Regulations to implement the Chemical Weapons Convention, opened for ratification in January 1993	C FAIT/95-10-I	HCan/95-11-R-L Schedule F - Deletions	R SOR/95-59 SOR/95-201 HCan/R-15-L
Hazardous Materials Information Review Commission Canada		HCan/95-12-R-L Drug Colouring Agents	R,C G-11/03 SOR/95-431 HCan/R-14-L
HMIRC/95-1-O-L Appeal Board Procedures Regulations - Fee Reduction	C HMIRC/92-1-L	HCan/95-13-N-L Testing of Random Lot Samples	SOR/95-203
HMIRC/95-2-O-L Hazardous Materials Information Review Regulations - General Amendments	C HMIRC/91-678-L	HCan/95-14-N-L Child Resistant Packaging - Drugs	G-10/06
Health Canada		HCan/95-15-O-I DIN Information Requirements	C HCan/95-15-L
HCan/95-1-O-I Abbreviated New Drug Submissions	SOR/95-411	HCan/95-16-O-I NMI Labelling for Cosmetics	C HC/94-27-I
HCan/95-2-O-I Good Manufacturing Practices (GMP) for Biologics	C HCan/95-2-M	HCan/95-17-N-L Schedule B (to the <i>Food and Drugs Act</i>) Amendment - Addition of European Pharmacopoeia (EP)	C HCan/95-17-L
HCan/95-3-N-I Cost Recovery	SOR/95-31 SOR/95-424	HCan/95-18-R-L Housekeeping Changes to Drug Regulations	R,C HCan/R-16-L
HCan/95-4-O-L GP Registration for a Product with more than one Fragrance, Flavour, or Colour	X	HCan/95-19-N-I Interim Marketing Authority	C G-10/06 HCan/95-19-I
HCan/95-5-O-L Drug Identification Numbers (DIN) for Private Label Companies	X	HCan/95-20-O-I Foods for Use in Weight Reduction Diets	C G-06/05 HWC/92-59-I
HCan/95-6-O-I Adverse Drug Reaction (ADR) Reporting	G-26/06	HCan/95-21-N-I Regulation of Novel Foods and Novel Food Processes	C HCan/95-21-I
HCan/95-7-O-L Investigational New Drug (IND) Submissions	C (see under Future initiatives)	HCan/95-22-O-I Composition of and Standards for Cocoa Products	C,J HWC/93-54-I
HCan/95-8-O-I Non-medicinal Ingredients (NMI)	G-05/02/94	HCan/95-23-O-I Bottled Water	C HWC/91-405-I
HCan/95-9-O-L Notifiable Changes for New Drugs/Screening of NDS	X	HCan/95-24-O-I Food Allergens - Proposed Changes to Labelling Regulations to Minimize Adverse Reactions	C G-25/06/94 G-15/10/94 HCan/R-32-I

Initiative	Status	Initiative	Status
HCan/95-25-O-I Herbs and Botanical Preparations	C HWC/92-69-I	HCan/95-41-O-I Standard for Labelling of In-Vitro Diagnostic Test Devices	C,N HWC/91-384-L
HCan/95-26-O-I Microbiological Standards for Cheese	C,J HWC/93-53-I	HCan/95-42-O-I Single Use Insulin Syringes	C,J HWC/89-521-L
HCan/95-27-O-I Dioxins and Furans	X	HCan/95-43-O-I Condoms	C,N HC/94-61-L
HCan/95-28-O-I Good Manufacturing Practices Regulations For Foods	C HWC/93-57-I	HCan/95-44-N-I Analytical X-Ray Equipment	C,J HCan/95-44-I
HCan/95-29-O-I Initiatives Resulting from the Departmental Regulatory Review	R,C HC/94-49-I	HCan/95-45-O-I Standard for Laser Equipment	C,N HWC/91-394-I
HCan/95-30-R-I Routine Enabling Amendments under the Food and Drug Regulations - General - Agricultural Chemicals Residue Limits - Food Additives	C HCan/R-33-I	HCan/95-46-O-L Computed Tomography X-Ray Equipment	C,N HWC/87-431-L
HCan/95-31-R-M Emergency Regulations	R,C HCan/R-34-M	HCan/95-47-R-I Annual Review of Fee Schedule, National Dosimetry Services	N
HCan/95-32-R-I Regulation of Drug Residues in Foods	R,C HCan/R-35-I	HCan/95-48-N-L Authority to Set Fee Schedule for National Dosimetry Services	J
HCan/95-33-R-L Housekeeping Amendments to Food Regulations	R,C SOR/94-689 SOR/95-172 HCan/R-36-I	HCan/95-49-R-L Housekeeping Amendments to the <i>Hazardous Products Act</i> and its Regulations	R,C HCan/R-24-L
HCan/95-34-O-I Amendments to Schedule I, Contraceptive Devices	C G-10/06 HCan/95-34-I	HCan/95-50-R-L Housekeeping Amendments to the Medical Devices Regulations	R,C HCan/R-25-L
HCan/95-35-O-I Sale of a Device for Investigational Testing	C G-06/05 HWC/88-517-I	HCan/95-51-R-L Housekeeping Amendments to the Radiation Emitting Devices Regulations	R,C HCan/R-26-L
HCan/95-36-O-I Labelling Requirements for Menstrual Tampons	C G-17/12/94 HWC/92-36-I	HCan/95-52-R-L Housekeeping Amendments to the Tobacco Products Control Regulations	R,C HCan/R-27-L
HCan/95-37-O-I Child Resistant Lighters	SOR/95-252	HCan/95-53-R-L Housekeeping Amendments to the Tobacco Sales to Young Persons Regulations	R,C HCan/R-28-L
HCan/95-38-O-I Diagnostic X-Ray Equipment	C,J HWC/91-396-I	HCan/95-54-O-I Food, Water and Sanitation Regulations for Common Carriers	X
HCan/95-39-N-M Revenue Generation for the Medical Devices Program	C HCan/95-39-M	Human Resources Development Canada	
HCan/95-40-O-I Labelling Requirements for Contact Lenses	C HWC/92-35-I	HRDC/95-1-O-I Status of the Artist Professional Category Regulations	C LAB/93-1-I

Initiative	Status	Initiative	Status
HRDC/95-2-O-I Canada Occupational Safety and Health (OSH) Regulations - Amendments to Part II (Building Safety)	J,C LAB/91-444-I	HRDC/95-13-N-L Coal Mining Safety Commission Regulations	C HRDC/95-13-L
HRDC/95-3-O-I Canada Occupational Safety and Health (OSH) Regulations - Amendments to Part X (Hazardous Substances)	G-24/06	HRDC/95-14-N-L Canada Labour Standards Regulations - Revisions	X
HRDC/95-4-O-I Canada Occupational Safety and Health (OSH) Regulations - Amendments to Part XIV (Materials Handling)	G-05/08	HRDC/95-15-O-L Federal Minimum Wage - Revision	C LAB/93-5-L
HRDC/95-5-O-I Canada Occupational Safety and Health (OSH) Regulations - Amendments to Disabilities Project	G-24/06	HRDC/95-16-O-L Commission Salespersons Hours of Work Regulations	X
HRDC/95-6-O-I Oil and Gas Occupational Safety and Health (OSH) Regulations - Amendments	D	HRDC/95-17-R-M National Training Regulations - Rate of Training Allowances	C EIC/93-1-M
HRDC/95-7-O-L Canada Occupational Safety and Health (OSH) Regulations - Amendments to Part XI (Confined Spaces)	SOR/95-286	HRDC/95-18-R-M Developmental Assistance - Supplementary Training Allowances	C EIC/93-2-M
HRDC/95-8-O-I Canada Occupational Safety and Health (OSH) Regulations - Diving Safety	C HRDC/94-8-I	HRDC/95-19-N-I National Employment Service Regulations - Introduction of Fees for Services	X
HRDC/95-9-O-I Coal Mining Occupational Safety and Health Regulations (Cape Breton Development Corporation) - Amendments	C HRDC/94-9-I	HRDC/95-20-R-L Unemployment Insurance Regulations - Minor, Technical or Housekeeping Amendments	N,C HRDC/96-10-L
HRDC/95-10-N-I Aviation Occupational Safety and Health (OSH) Regulations - Revisions	C HRDC/95-10-I	HRDC/95-21-O-L Unemployment Insurance Regulations - Redefinition of a Working Day	C EIC/92-24-L
HRDC/95-11-N-I On-Board Trains Occupational Safety and Health (OSH) Regulations - Revisions	C HRDC/95-11-I	HRDC/95-22-O-L Unemployment Insurance Regulations - Revision of Earnings Definition and Allocation Provisions	C EIC/89-247-L
HRDC/95-12-N-L Safety and Health Committees and Representatives Regulations	J	HRDC/95-23-O-L Unemployment Insurance Regulations - Insurability of Taxi Drivers	C HRDC/94-30-L
		HRDC/95-24-O-L Unemployment Insurance Regulations - Allocation of Earnings for Real Estate Salespersons	C HRDC/94-31-L
		HRDC/95-25-N-I Unemployment Insurance Regulations - Electronic Transmission of Assignment of Benefits (AOB) Requests - Pilot Project	C HRDC/95-25-I

Initiative	Status	Initiative	Status
HRDC/95-26-N-I Unemployment Insurance Regulations - Direct Deposit - Pilot Project	N	Indian and Northern Affairs Canada	
HRDC/95-27-O-I Unemployment Insurance Regulations - Employment History Reporting System	C HRDC/95-27-I	INAC/95-1-O-L Cree-Naskapi Band Expropriations	C INAC/87-491-L
HRDC/95-28-R-M Unemployment Insurance Regulations - Unemployment Insurance (UI) Economic Regions	C HRDC/95-28-M	INAC/95-2-O-L Cree-Naskapi Special Band Meetings	D
HRDC/95-29-N-M Social Insurance Number (SIN) Card Fees	N	INAC/95-3-O-L Cree-Naskapi Band Referenda	D
HRDC/95-30-O-L Agreements with Provinces for Exchange of Information	C HRDC/94-32-L	INAC/95-4-O-L Indian Estates	J,C INAC/90-399-L
HRDC/95-31-O-L Removal of Schedule IX of International Agreements	C HWC/89-553-L	INAC/95-5-O-L Indian Mining	C,D IAND/94-6-L
HRDC/95-32-O-L Removal of Schedule of International Agreements	C HWC/89-553-L	INAC/95-6-O-L Indian Timber	C SOR/94-690 IAND/94-7-L
HRDC/95-33-O-M Rules concerning Years of Residence in Canada	X	INAC/95-7-N-L Revocation of the Caribou Friendship Society Lease Regulations No. 1	SOR/95-166
HRDC/95-34-O-L Ministerial Delegation of Powers	C HWC/93-61-L	INAC/95-8-O-L Canada Mining	J,C INAC/93-15-L
HRDC/95-35-O-I Changes in the Canada Student Loans Program	C SOR/95-329 to SOR/95-331 HRDC/95-35-I	INAC/95-9-O-M Mining Land Use	C IAND/94-12-M
Immigration and Refugee Board		INAC/95-10-O-L Placer Mining Authority	SOR/94-758
IRB/95-1-O-L Convention Refugee Determination Division Rules - Amendments	C IRB/94-1-L	INAC/95-11-R-L Yukon Work Relief	C SOR/94-781 INAC/R-3-L
IRB/95-2-O-L Immigration Appeal Division Rules - Amendments	C G-26/08 IRB/94-2-L	INAC/95-12-R-I Yukon Mining - Staking Prohibitions	R,C SOR/95-108 to SOR/95-112 SOR/95-227 SOR/95-416 SOR/95-417 INAC/R-4-I
IRB/95-3-O-L Adjudication Division Rules - Amendments	C IRB/94-3-L	INAC/95-13-R-I Federal Government Employee Land Acquisitions	R,C SOR/95-92 SOR/95-302 INAC/R-5-I
		INAC/95-14-O-I Territorial Lands	C INAC/90-410-I
		INAC/95-15-O-I Northern Pits and Quarries	C IAND/94-20-I
		INAC/95-16-O-I Mackenzie Valley Environmental Impact Assessment	C INAC/95-16-I
		INAC/95-17-O-I Mackenzie Valley Land Use	C IAND/94-17-I

Initiative	Status	Initiative	Status
INAC/95-18-O-L Mackenzie Valley Surface Rights	C IAND/94-23-L	IC/95-9-O-I Trade-marks - Revision	C CCAC/91-123-I
INAC/95-19-O-L Nunavut Surface Rights	J,C IAND/94-24-L	IC/95-10-N-I Implementation of Canada's obligations under the GATT/TRIPS	J
INAC/95-20-O-L Yukon Surface Rights	C IAND/94-25-L	IC/95-11-O-L Textile Labelling and Advertising Regulations - Proper Use of Terms	X
INAC/95-21-O-L Northwest Territories Reindeer	C INAC/91-433-L	IC/95-12-N-L Textile Labelling and Advertising Regulations - New Generic Name "Lycell"	SOR/94-724
INAC/95-22-O-L Archaeological Sites - Yukon and Northwest Territories	D	IC/95-13-O-L Consumer Packaging and Labelling Regulations - Miscellaneous	C CCAC/91-159-L
INAC/95-23-O-L Canada Oil and Gas Land	C IAND/94-33-L	IC/95-14-N-L Consumer Packaging and Labelling Regulations - Net Quantity of Canned Fish Products	C IC/95-14-L
INAC/95-24-O-I Frontier Lands Division and Minimum Area	C INAC/92-24-I	IC/95-15-O-L Consumer Packaging and Labelling Regulations - Initiatives Arising from 1992 Regulatory Review - Revocation of Section 36, Standardized Container Sizes	C G-01/04 IC/94-14-L
INAC/95-25-O-L Frontier Lands Registration	C INAC/94-38-I	IC/95-16-O-L <i>Canada Business Corporations Act</i> - Contents of Takeover Bid Circular	SOR/95-407
INAC/95-26-N-L Yukon Timber	C INAC/95-26-L	IC/95-17-O-L <i>Canada Business Corporations Act</i> - Fees - Application for Exemption regarding Insider Reports	C IC/94-18-L
INAC/95-27-N-L Yukon Forest Protection	C INAC/95-27-L	IC/95-18-O-L Canada Business Corporations - Fees - Certificate of Compliance	C IC/94-18-L
Industry Canada		IC/95-19-O-I Canada Business Corporations - Fees - Copies of Documents	SOR/95-365
IC/95-1-O-L Bankruptcy and Insolvency - Revision of Rules and Forms	C CCAC/93-26-L	IC/95-20-O-L Canada Business Corporations - Forms Furnished by the Director	SOR/95-364
IC/95-2-O-L AM Carrier Current Transmitters	C IC/94-2-L	IC/95-21-N-L Canada Business Corporations - Housekeeping Amendments	SOR/95-260
IC/95-3-O-I Broadcasting Receiving Apparatus	C IC/94-3-L		
IC/95-4-O-L Low-Power Announce Transmitters	C IC/94-4-L		
IC/95-5-O-L Broadcasting Technical Data Services Fees Order	C COM/91-107-L		
IC/95-6-O-I Copyright - Revision of Regulations and Fees	C IC/94-6-I		
IC/95-7-O-I Industrial Design - Revision of Regulations and Fees	C IC/94-7-I		
IC/95-8-O-I Patents - Revision	J,C IC/94-9-I		

Initiative	Status	Initiative	Status
IC/95-22-N-L <i>Canada Business Corporations Act - Sending of Dissident's Proxy Circular</i>	SOR/94-691	IC/95-36-N-I Weights and Measures - Specifications for Metrological Audit Trails	C IC/95-36-I
IC/95-23-N-L <i>Canada Business Corporations Act - Form 24, Instructions - Insider Report</i>	SOR/94-691	IC/95-37-N-I Weights and Measures - Specifications for Mass Flow Meters	C IC/95-37-I
IC/95-24-R-L Interference-Causing Equipment Standards List - Revised Standards	R G-01/04	IC/95-38-N-I Weights and Measures - Specifications for Multiple Dimension Measuring Devices	X
IC/95-25-R-L Radio Standards Specifications - Revised Standards	R,D	IC/95-39-N-L Lobbyists Registration - Revisions to Information Disclosure and Electronic Filing Provisions	J,C IC/95-39-L
IC/95-26-N-I Telecommunication Apparatus Assessment and Testing Fees	C COM/92-11-I	IC/95-40-O-I Licensing of Mobile Satellite Systems	C IC/94-37-I
IC/95-27-O-I <i>Tax Rebate Discounting Act - User Fee Regulation</i>	X	IC/95-41-O-I Reform of the Radio Regulations	J,C COM/92-12-I
IC/95-28-O-L Electricity and Gas Inspection Regulations - Ongoing Technical Revisions	C CCAC/89-206-L	IC/95-42-O-I Small Business Loans Regulations, 1993 - Amendments	SOR/95-80 SOR/95-81 SOR/95-155
IC/95-29-R-I Electricity and Gas Inspection Regulations - Demand Meter Inspection - Fee Increase	R,X	Justice Canada	
IC/95-30-O-I Weights and Measures Regulations - Diamonds and Gemstones	C IC/94-27-I	Jus/95-1-R-L Access to Information and Privacy Acts - Extending Coverage	R,C Jus/R-1-L
IC/95-31-N-L Weights and Measures Regulations - Minor and Technical Amendments	J,C IC/95-31-L	Jus/95-2-R-L Extending the <i>Privacy Act</i> to Crown Corporations	X
IC/95-32-N-L Weights and Measures Regulations - Harmonization of Technical Standards	C IC/95-32-L	Jus/95-3-R-L Access to Information and Privacy Regulations - Amendments to Schedules	R,C Jus/R-3-L
IC/95-33-N-I Weights and Measures Regulations - Private Sector Accreditation	X	Jus/95-4-O-L Regulation Establishing a "Safety Zone" Around Marine Installations	C Jus/93-7-L
IC/95-34-N-L Weights and Measures Regulations - Automatic Temperature Compensation of Petroleum Products	C IC/95-34-L	Jus/95-5-R-L Statutory Instruments Regulations	R,C Jus/R-5-L
IC/95-35-N-I Weights and Measures - Specifications for Non Automatic Weighing Devices	C IC/95-35-I	Jus/95-6-O-I Seized Property Management Act Regulations	C SOR/94-303 G-16/08/94 Jus/94-5-I
		Jus/95-7-O-I <i>Contraventions Act</i> - Ticketing Scheme	C Jus/93-6-I
		Jus/95-8-O-L Information Banks	C Jus/92-14-L

Initiative	Status	Initiative	Status
Jus/95-9-O-L	C	National Energy Board	
Forms for Interception	Jus/92-15-L	NEB/95-1-O-L	C
Jus/95-10-O-M	X	Cost Recovery Regulations	NEB/88-917-L
Conditions for Holdbacks		NEB/95-2-O-L	SOR/95-208
Jus/95-11-O-L	C	Rules of Practice and Procedure	
Notice of Service of Garnishment	Jus/93-12-L	NEB/95-3-O-L	C
Jus/95-12-O-L	C	Onshore Pipeline Regulations	NEB/88-919-L
Forms for Tracing	Jus/92-16-L	NEB/95-4-O-L	C
Jus/95-13-R-L	R,C	Regulations Pertaining to Crossings	G-05/08
Approved Breath Analysis	Jus/R-13-L	Involving International Power Lines	NEB/90-700-L
Instruments Order, Approved		NEB/95-5-O-L	J,C
Screening Devices Order, Approved		Electricity Regulations	NEB/90-699-L
Blood Sample Container Order		NEB/95-6-O-L	X
Jus/95-14-O-L	X	Toll Information Regulations	
Amendment of the		NEB/95-7-O-L	C
Schedule Containing the Registration		Pipeline Crossing Regulations, Parts I	NEB/93-3-L
of Divorce Proceeding Form		and II	
Jus/95-15-O-L	C	NEB/95-8-O-L	J,C
Amendment of the Schedule Referred	Jus/94-15-L	Part VI Regulations	NEB/89-901-L
to in Sections 31, 32 and 41 of the		NEB/95-9-O-L	J,C
<i>Garnishment, Attachment and Pension</i>		Export and Import Reporting	NEB/89-898-L
<i>Diversion Act</i> , Part II, R.S.C. 1985,		Regulations	
C. G-2		NEB/95-10-O-I	C
Jus/95-16-O-L	C	Canada Certificate of Fitness	G-14/05/94
Amendment of the Garnishment and	Jus/94-16-L	Regulations	INAC/88-586-I
Attachment Regulations		NEB/95-11-O-I	C
Jus/95-17-O-I	C	Canada Oil and Gas Diving	G-14/05/94
Firearms Regulations (Criminal Code	Jus/94-17-I	Regulations	INAC/92-27-I
Part III)		NEB/95-12-O-I	C
Jus/95-18-R-I	X	Canada Oil and Gas Drilling	G-14/05/94
Firearms Regulations (Prohibited and		Regulations	COGLA/90-88-
Restricted Weapons Orders)		NEB/95-13-O-I	C
National Defence		Canada Oil and Gas Geophysical	G-11/06/94
ND/95-1-O-I	C	Operations Regulations	INAC/87-482-I
Comox Airport Zoning Regulations	ND/91-458-I	NEB/95-14-O-I	C
ND/95-2-O-I	C,N	Canada Oil and Gas Installations	G-14/05/94
Moose Jaw Airport Zoning	ND/91-459-I	Regulations	INAC/87-484-I
Regulations		NEB/95-15-O-I	C
ND/95-3-R-I	R,C	Canada Oil and Gas Operations	COGLA/91-100-
Orders in Council Pursuant to	ND/R-1-I	Regulations	
Paragraphs 9(c) and 9(d) of the		NEB/95-16-O-I	C
<i>Emergency Preparedness Act</i>		Canada Oil and Gas Production and	G-14/05/94
ND/95-4-O-L	C	Conservation Regulations	INAC/87-483-I
Canadian Forces Superannuation	SOR/94-276		
Regulations	ND/94-4-L		

Initiative	Status	Initiative	Status
NEB/95-17-O-I Canada Oil and Gas Spill and Debris Liability Regulations	C IAND/94-36-I	NTA/95-11-O-I Air Transportation - Addition of New Regulations Pertaining to Canada-U.S. Charter Services	G-29/07 NTA/96-13-I
NEB/95-18-O-I Offshore Installation Manager Regulations	C IAND/94-39-I	NTA/95-12-O-I Air Transportation - International Charters, Resaleable Domestic Charters, Tariffs and Service Schedules	C,J NTA/96-14-I
National Transportation Agency		NTA/95-13-O-L Air Transportation Regulations - Housekeeping Changes	C NTA/96-15-I
NTA/95-1-O-M Air Fares in Large Aircraft for Attendants of Persons with Disabilities	C,D NTA/96-1-M	NTA/95-14-O-L Northern Marine Resupply Services - Reporting Requirements	C NTA/96-16-L
NTA/95-2-O-I Terms and Conditions of Carriage in Small Aircraft of Persons with Disabilities	C,N NTA/96-2-I	NTA/95-15-R-M Annual Rate Scale Order For Western Grain, 1995-96	SOR/95-207
NTA/95-3-O-I Accessibility Standards - Persons with Disabilities - Air Transportation Equipment	C,J NTA/96-3-I	NTA/95-16-O-I Railway Costing Regulations	G-22/04 NTA/96-18-I
NTA/95-4-O-I Accessibility Standards - Persons with Disabilities - Rail Transportation Equipment	C,J NTA/96-4-I	NTA/95-17-N-L Details of Maps, Plans, Profiles, Drawings, Specifications and Books of Reference (General Order E-1)	C NTA/96-19-L
NTA/95-5-O-I Accessibility Standards - Persons with Disabilities - Marine Transportation Equipment	C,N NTA/96-5-I	NTA/95-18-N-L Height of Telegraph Wires and Telephone Lines Regulations (General Order E-18)	C NTA/96-20-L
NTA/95-6-O-I Terms and Conditions of Carriage by Rail of Persons with Disabilities	C,N NTA/96-6-I	NTA/95-19-N-L Joint Use of Poles Regulations (General Order E-12)	C NTA/96-21-L
NTA/95-7-O-I Terms and Conditions of Carriage by Marine Services Subject to Federal Jurisdiction of Persons with Disabilities	D	NTA/95-20-N-L Regulations Respecting Pipe Crossings under Railways (General Order E-10)	C NTA/96-22-L
NTA/95-8-N-I Terms and Conditions of Carriage of Persons with Disabilities for Charterers of Large Aircraft	X	NTA/95-21-N-L Railway Grade Separations Regulations (General Order E-5)	C NTA/96-23-L
NTA/95-9-N-I Review of Parts I and II of the Air Transportation Regulations	C NTA/96-11-I	NTA/95-22-N-L Railway-Highway Crossing at Grade Regulations (General Order E-4)	C NTA/96-24-L
NTA/95-10-O-I Air Transportation - Insurance Provisions	C NTA/96-12-I	NTA/95-23-N-L Wire Crossings and Proximity Regulations (General Order E-11)	C NTA/96-25-L

Initiative	Status	Initiative	Status
NTA/95-24-O-L Railway Advance Payment Regulations - Amendment to Reflect Current Legislation	C NTA/96-26-L	NRCan/95-9-O-L Newfoundland Offshore Area Petroleum Diving - Amendments	SOR/95-102 SOR/95-283
NTA/95-25-R-I Railway Interswitching Rate Scale (1996) - Rate adjustment	R NTA/R-1-I	NRCan/95-10-O-L Nova Scotia Offshore Area Petroleum Diving	SOR/95-189
NTA/95-26-O-L Baggage Car Traffic Regulations - Revocation	C NTA/96-27-L	NRCan/95-11-O-L Nova Scotia Offshore Area Petroleum Diving - Amendments	X
NTA/95-27-O-L Conditions on Passes Approval Order	C NTA/96-28-L	NRCan/95-12-O-L Newfoundland Offshore Area Petroleum Production and Conservation	SOR/95-103
NTA/95-28-O-L Railway Passenger Tariff Regulations - Amendment	C NTA/96-29-L	NRCan/95-13-O-L Nova Scotia Offshore Area Petroleum Production and Conservation	SOR/95-190
NTA/95-29-O-L Free and Reduced-Rate Transportation Regulations	C NTA/96-30-L	NRCan/95-14-O-I Frontier Lands Division and Minimum Area	C COGLA/89-136-I
NTA/95-30-O-L Railway Free and Reduced-Rate Transportation Regulations	C NTA/96-31-L	NRCan/95-15-O-I Newfoundland Offshore Area Division and Minimum Area	C COGLA/91-94-I
Natural Resources Canada		NRCan/95-16-O-I Nova Scotia Offshore Area Division and Minimum Area	C COGLA/91-95-I
NRCan/95-1-O-I Newfoundland Offshore Area Petroleum Installations	SOR/95-104	NRCan/95-17-O-I Nova Scotia Offshore Area Petroleum Spills and Debris Liability	SOR/95-123
NRCan/95-2-O-I Nova Scotia Offshore Area Petroleum Installations	SOR/95-191	NRCan/95-18-O-L Frontier Lands Registration - Amendments	C COGLA/89-132-I
NRCan/95-3-O-I Petroleum Occupational Safety and Health - Newfoundland	J,C COGLA/89-121-I	NRCan/95-19-O-L Newfoundland Offshore Area Registration - Amendments	C COGLA/89-133-I
NRCan/95-4-O-I Petroleum Occupational Safety and Health - Nova Scotia	J,C COGLA/89-122-I	NRCan/95-20-O-L Nova Scotia Offshore Area Registration	C COGLA/89-134-I
NRCan/95-5-O-I Newfoundland Certificate of Fitness	SOR/95-100	NRCan/95-21-O-I Newfoundland Offshore Area Petroleum Operations - Amendments	C NRCan/94-31-I
NRCan/95-6-O-I Nova Scotia Certificate of Fitness	SOR/95-187	NRCan/95-22-O-I Nova Scotia Offshore Area Petroleum Operations	C COGLA/89-120-I
NRCan/95-7-O-L Newfoundland Offshore Area Petroleum Drilling - Amendments	SOR/95-101		
NRCan/95-8-O-L Nova Scotia Offshore Area Petroleum Drilling - Amendments	SOR/95-188		

Initiative	Status	Initiative	Status	
NRCan/95-23-O-L	C	Office of the Superintendent of Financial Institutions		
Environmental Studies Research Fund Regions - Amendments	NRCan/94-33-L			
NRCan/95-24-O-I	C		OSFI/95-1-O-M	OSFI/92-1-M
Newfoundland Offshore Area Installation Manager	NRCan/94-35-I		Financial Sector Reform	
			Form of proxy	C
			Insider reports	C
			Insurance activities	C
				G-27/05
			Credit information	C
				G-27/05
			Form, content and distribution of prospectus	SOR/95-339 to SOR/95- 342
			Restrictions on in-house investment counselling and portfolio management activities	X
			Minority investments	C,N
			Related party transactions	C
			OSFI/95-2-O-I	OSFI/95-2-I
			Pension Benefits Standards	
			Information returns	C,N
			Canadian Institute of Actuaries valuation standards	C,N
			Safekeeping of assets	SOR/95-86
			Solvency funding rules	D
			Distribution of assets from wound up plans	C,N
		OSFI/95-3-N-I	C	
		Assessment of Expenses Against Supervised Financial Institutions	G-27/05	
			OSFI/95-3-I	
		OSFI/95-4-O-I	C,N	
		Investment Valuation Rules - Determination of Market Value and Accounting for Substantial Investments	OSFI/93-4-I	
		OSFI/95-5-O-I	C,N	
		Investment Valuation Rules for Insurance Companies - Capital Gains Treatment on Realization of Security and Appropriations of Capital	OSFI/93-5-I	
		OSFI/95-6-R-I	R,C	
		Financial Institutions Legislation - Regulatory Orders	OSFI/R-6-I	
		OSFI/95-7-R-I	C	
		Supervision of Financial Institutions - Miscellaneous amendments	OSFI/96-6-I	
Office of the Chief Electoral Officer				
OCEO/95-1-R-M	R,C			
Tariffs of Fees	SOR/95-439			
Northwest Territories Elections Fees Tariff	OCEO/R-1-M			

Initiative	Status	Initiative	Status
Patented Medicine Prices Review Board			
PMPRB/95-1-N-L	SOR/95-172	RC/95-8-R-L	R,C
Patented Medicines Regulations - Miscellaneous Regulatory Amendments		Used Motor Vehicle Exemption Regulations	RC/R-6-L
PMPRB/95-2-O-L	N	RC/95-9-O-L	C
Rules of Practice and Procedure		Brewery Departmental Regulations	RC-CE/91-485-L
		RC/95-10-O-L	C
		Brewery Regulations	RC/94-17-L
Public Works and Government Services Canada		RC/95-11-O-L	C
PWGSC/95-1-O-L	C	Distillery Departmental Regulations	RC/94-21-L
Municipal Grants Program	PWGSC/94-1-L	RC/95-12-O-L	C
PWGSC/95-2-N-L	G-06/05	Distillery Regulations	RC/R-7-L
Municipal Grants Regulations		RC/95-13-O-L	C
PWGSC/95-3-O-L	SOR/94-303	Excise Warehousing Departmental Regulations	RC/94-23-L
Forfeited Property Sharing Regulations		RC/95-14-O-L	R
PWGSC/95-4-N-L	SOR/95-174	Excise Warehousing Regulations	
Government Property Traffic Regulations		RC/95-15-O-L	C
PWGSC/95-5-N-I	C	Manufacturers In Bond Departmental Regulations	RC-CE/91-489-L
Revocation of the Canadian Vickers Dry Dock Regulations	PWGSC/95-5-I	RC/95-16-O-L	C
		Manufacturers In Bond Regulations	RC/94-24-L
		RC/95-17-O-L	C
		Tobacco Departmental Regulations	RC-CE/91-490-L
Revenue Canada		RC/95-18-O-L	C
RC/95-1-O-I	C	Tobacco Regulations	RC/R-9-L
Accounting for Imported Goods and Payment of Duties Regulations	SOR/95-419 RC-CE/90-450-I	RC/95-19-O-L	C
RC/95-2-N-L	R,C	Formula Refunds Regulations	RC/94-29-L
Display Goods Temporary Importation Regulations	RC/95-2-L	RC/95-20-O-L	C
RC/95-3-R-L	R,C	Goods for Ships and Aircraft (Excise) Drawback Regulations	RC/94-29-L
Drawback Claims Remission Order	RC/R-4-L	RC/95-21-O-L	C
RC/95-4-O-L	C	General Excise and Sales Tax Regulations	RC/94-31-L
Duties Relief Regulations	RC-CE/93-8-L	RC/95-22-O-L	C
RC/95-5-O-L	C	Gasoline and Aviation Gasoline Excise Tax Application Regulations	RC/94-32-L
Regulations Concerning the Non-Resident Customs Accounting Program	RC/94-11-L	RC/95-23-O-L	C
RC/95-6-O-L	N	Gasoline and Aviation Gasoline Excise Tax Regulations	RC/94-33-L
Remission Orders Concerning Charitable Goods and Official Uniform Dress of Militia		RC/95-24-O-L	C
RC/95-7-R-L	R,C	Small Manufacturers or Producers Exemption Regulations	RC/94-34-L
Temporary Importation Remission Orders	RC/R-5-L	RC/95-25-R-L	R,C
		Tax Deductions - Part I	RC/R-10-L

Initiative	Status	Initiative	Status
RC/95-26-R-L Tax Information Returns - Part II	J,C RC/R-11-L	RC/95-42-R-L Miscellaneous Amendments (Standing Joint Committee for the Scrutiny of Regulations)	R,C SOR/95-176 SOR/95-177 RC/R-31-L
RC/95-27-R-L Elections - Part VI	C SOR/95-367 RC/R-12-L	RC/95-43-R-L Remissions under Customs, Excise or Taxation Legislation	R,C SI/95-8, SI/95-13 SI/95-25 SI-95-43 SOR/95-82 RC/R-32-L
RC/95-28-O-L Elections - Parts X, XV, and XXI	R,C RC/R-13-L	Solicitor General Canada	
RC/95-29-R-L Tax Tables - Part XXV	R,C RC/R-14-L	SGC/95-1-R-L <i>Transfer of Offenders Act Schedule</i>	R,C SOR/95-293 SGC/R-1-L
RC/95-30-R-L Communication of Information - Part XXX	R,C RC/R-15-L	SGC/95-2-R-I <i>Controlled Drugs and Substances Act</i>	C G-24/05/94 SGC/94-2-I
RC/95-31-R-L Universities Outside Canada - Schedule VIII	C SOR/95-184 RC/R-16-L	Correctional Services Canada	
RC/95-32-R-L Source Deductions - Part I and Schedule I	C SOR/95-156 RC/R-19-L	CSC/95-1-N-L Administrative Segregation of Inmates	N CSC/95-1-L
RC/95-33-O-L Canada Pension Plan - Schedule II	X	CSC/95-2-N-I Offender Grievance Procedure	D
RC/95-34-R-L Canada Pension Plan - Schedules IV to IX	R,C RC/R-20-L	CSC/95-3-N-I Deductions from Inmates' Income and Trust Fund Accounts	N CSC/95-3-L
RC/95-35-R-L Unemployment Insurance - Collection of Premiums	C SOR/95-288 RC/R-22-L	CSC/95-4-N-L Disposal of Goods and Services Produced by CORCAN	N CSC/95-4-L
RC/95-36-R-I Advance Taxation Rulings Fees Order	R,C RC/R-25-I	CSC/95-5-O-L Disclosure of Information to Victims	N CSC/94-1-L
RC/95-37-R-I Taxation Statistical Analyses and Data Processing Services Fees Order	R,C RC/R-26-I	CSC/95-6-O-L Searches of Inmates	N CSC/94-7-L
RC/95-38-R-I Registered Charities Information Return Fee Order	R,C RC/R-27-I	CSC/95-7-O-L Interception of Inmate Communications	N CSC/94-4-L
RC/95-39-R-I Revenue Canada Taxation Technical Publication Subscription Service Fees Order	R,C RC/R-28-I	CSC/95-8-O-L Allowances to Released Offenders	N CSC/94-5-L
RC/95-40-R-L Amendments to Regulations and Orders pursuant to Customs, Excise and Taxation Legislation	R,C SOR/95-14 SOR/95-15 RC/R-29-L	CSC/95-9-O-L Payment of Accidental Injury Compensation to Inmates or Former Inmates	X
RC/95-41-R-L Delegation of Minister of National Revenue's Powers and Duties	R,C RC/R-30-L	CSC/95-10-O-L Classification of Inmates	D

Initiative	Status	Initiative	Status
National Parole Board		TC/95-5-N-L	C
NPB/95-1-O-L	SOR/92-620	Consolidation of Fees for Marine Regulatory Services	TC/95-5-L
Conditional Release and Detention Regulations		TC/95-6-O-I	C
NPB/95-2-O-L	C	Railway Security Regulations	TC/93-5-I
Pardon Application Fees Regulations	SOR/95-210 NPB/93-2-L	TC/95-7-O-I	C
		Aerodrome Security Regulations	TC/93-6-I
RCMP External Review Committee		TC/95-8-O-I	C
ERC/95-1-O-L	C	Air Carrier Security Regulations	TC/93-7-I
RCMP External Review Committee Rules of Practice and Procedure	ERC/90-497-L	TC/95-9-N-I	C
		Marine Transportation Security Regulations	TC/95-9-I
Royal Canadian Mounted Police		TC/95-10-N-I	D
RCMP/95-1-O-L	C	Extra-provincial Bus Accessibility Regulations	
RCMP Regulations, 1988 - Code of Conduct	RCMP/94-1-L	TC/95-11-O-I	X
RCMP/95-2-O-L	C	Aviation War Risks Insurance Regulations	
RCMP Regulations, 1988 - Political Activity	RCMP/93-9-L	TC/95-12-N-I	SOR/95-275
RCMP/95-3-N-L	C	Computer Reservation Systems (CRS) Regulations	
RCMP Superannuation Regulations	RCMP/95-3-L	TC/95-13-O-L	X
RCMP/95-4-N-L	C	Basic Westbound Truck Regulations	
RCMP Pension Continuation Regulations	RCMP/95-4-L	TC/95-14-O-L	X
RCMP/95-5-N-L	C	Selective Westbound Regulations	
RCMP Long Service Medal Regulations	RCMP/95-5-L	TC/95-15-O-L	X
RCMP/95-6-N-L	C	Intra Selective Assistance Regulations	
RCMP Cost Recovery Regulations	RCMP/95-6-L	TC/95-16-O-L	X
Transport Canada		Basic Westbound Rail Regulations	
TC/95-1-R-M	R,C	TC/95-17-O-L	X
Fees for Aviation Regulatory Services	SOR/95-321 to SOR/95-323 TC/R-1-M	Railway Passenger Service Contract Regulations	
TC/95-2-R-M	R,C	TC/95-18-N-L	SOR/94-716
Fees for Marine Regulatory Services	SOR/95-267 to SOR/95-270 SOR/95-273 SOR/95-274 SOR/95-278 SI/95-70 TC/R-2-M	Driver's Hours of Service Regulations	
TC/95-3-R-M	R,C	TC/95-19-N-L	X
Air Services Charges	SOR/95-193 TC/R-3-M	Truck Licensing Amendments	
TC/95-4-R-I	R	TC/95-20-R-L	X
Coast Guard Radio Station Charges	SOR/95-277 TC/R-4-I	Harbour Dues Tariff By-law	
		TC/95-21-O-I	X
		Vancouver Harbour Dues By-law	
		TC/95-22-O-I	X
		Montreal Harbour Dues By-law	

Initiative	Status	Initiative	Status
TC/95-23-N-L Canada Ports Corporation Operating By-law	X	TC/95-36-O-I Certification Regulations	G-12/08
TC/95-24-O-L Seaway Regulations	C TC/95-24-L	TC/95-37-O-L Crewing Regulations (Manning Regulations)	J
TC/95-25-R-I Airport Vehicle Parking Charges Regulations - Fee Changes	R, J TC/R-6-I	TC/95-38-O-I Medical Examination of Seafarers Regulations	J
TC/95-26-R-I Airport Ground Transportation Fees Regulations	R, C SOR/95-162 TC/R-7-I	TC/95-39-O-L Life-Saving Equipment Regulations	J, C TC/93-47-I
TC/95-27-N-L Government Airport Concession Operations Regulations (GACORs)	J, C TC/95-27-L	TC/95-40-O-L Ship Station Technical Regulations - VHF	J, C TC/93-48-L
TC/95-28-O-L Airport Traffic Regulations - Administrative Amendments	C TC/92-21-L	TC/95-41-O-L Public Harbours Regulations and Government Wharves Regulations - Major Amendments	J, D TC/R-5-L
TC/95-29-O-I General Operating and Flight Rules Regulations - Canadian Aviation Regulations, Part VI	C G-12/08 TC/91-563-I	TC/95-42-O-L Arctic Shipping Pollution Prevention Regulations (ASPPR)	J, C, N TC/93-59-L
TC/95-30-O-I Commercial Air Services Regulations - Canadian Aviation Regulations, Part VII	C G-12/08 TC/91-564-I	TC/95-43-O-I Regulations Prescribing the Procedures, Equipment and Resources in Respect of an Oil Pollution Incident: Response Organization Standard and Oil Handling Facilities Standard	SOR/95-352 G-19/08
TC/95-31-O-L Air Regulations, Series I, Nos. 1, 2 and 3; Series II, Nos. 1, 2, 3 and 4; Series III, Nos. 1 and 2	G-12/08	TC/95-44-O-L Regulations Prescribing how to Make Public the Standards under Part XV of the <i>Canada Shipping Act</i> that are to be Incorporated by Reference	SOR/95-406
TC/95-32-N-I Personnel Licensing and Training Regulations - Canadian Aviation Regulations, Part IV	N, C TC/95-32-I	TC/95-45-O-L Pollutant Discharge Reporting Regulations	SOR/95-351
TC/95-33-N-L Airworthiness Regulations - Canadian Aviation Regulations, Part V	N, C TC/95-33-L	TC/95-46-O-L Government Wharves Regulations (Declaration and Designation of Public Port Facilities - Phase I)	J, D
TC/95-34-R-L Airport Zoning Regulations	R, C SOR/95-345 to SOR/95-347 G-01/07 G-24/06 G-17/06 G-19/08 G-12/08 TC/R-8-L	TC/95-47-N-I Public Harbours and Government Wharves Regulations - Tariff	SOR/95-271 SOR/95-272
TC/95-35-R-L Designated Provisions Regulations - Air Regulations Series I, No. 3	G-26/11/94	TC/95-48-N-L Tackle Regulations	J, C TC/95-48-L
		TC/95-49-N-L Collision Regulations - Revision	J, C TC/95-49-L

Initiative	Status	Initiative	Status
TC/95-50-N-L Boat and Fire Drill Regulations	J,C TC/95-50-L	TC/95-65-N-I Rail-Highway Grade Crossing Regulations	C TC/95-65-I
TC/95-51-N-I Small Vessel Regulations - Carriage Requirements	C TC/95-51-M	TC/95-66-O-M Motor Vehicle Safety Regulations, Standards 1101, 1103 and 1105: Emissions	D
TC/95-52-R-L Boating Restriction Regulations	R,C SOR/95-253 TC/R-9-L	TC/95-67-O-L Motor Vehicle Safety Regulations, Standard 208: Occupant Restraint	J,C TC/93-90-L
TC/95-53-O-L North Fraser Harbour Commission By-laws	D	TC/95-68-O-L Motor Vehicle Passenger Restraint Regulations, Standard C213: "Child Restraint Systems"; C213.1: "Infant Restraint Systems"; C213.2: "Booster Cushions"; and C213.3: "Restraint Systems for Disabled Children and Small Size Adults"	J,C TC/94-85-L
TC/95-54-O-L Port Alberni Harbour Commission Operating By-laws	D	TC/95-69-O-L Motor Vehicle Safety Regulations, Standard 205: Glazing Materials	SOR/94-717
TC/95-55-O-L Nanaimo Harbour Commission General By-law - Harbour Dues Increase	D	TC/95-70-N-L Motor Vehicle Safety Regulations, Standard 214: Side Door Strength	J,C TC/95-70-L
TC/95-56-O-L Atlantic Pilotage Authority Gulf of St. Lawrence Area Regulations and Laurentian Pilotage Authority District No. 3 Regulations	G-17/06	TC/95-71-O-I Motor Vehicle Safety Regulations, Standard 108: Lighting Equipment	J,N
TC/95-57-N-L Atlantic Pilotage Tariff Regulations	C TC/91-616-L	TC/95-72-N-L Motor Vehicle Safety Regulations, Standards 105 and 121: Hydraulic and Air Brake Systems	C G-26/08 TC/95-72-M
TC/95-58-O-L General Pilotage Regulations	SOR/94-727	TC/95-73-N-L Motor Vehicle Safety Regulations, Standard 210: Seat Belt Assembly Anchorages	J,D
TC/95-59-O-L Laurentian Pilotage Authority Regulations	C TC/92-80-L	TC/95-74-O-I Transportation of Dangerous Goods Regulations - International Requirements for Intermediate Bulk Containers	G-06/05
TC/95-60-O-L Pacific Pilotage Regulations	C SOR/94-665 TC/95-61-I	TC/95-75-O-L Transportation of Dangerous Goods Regulations - Drum Reconditioning	G-06/05
TC/95-61-N-L Pacific Pilotage Tariff Regulations	C TC/93-23-L	TC/95-76-O-I Transportation of Dangerous Goods Regulations - Biomedical Waste	D
TC/95-62-N-L Pacific Pilotage Regulations - Reciprocal Exemptions	G-24/09/94		
TC/95-63-O-I Safety Critical Positions	C SOR/94-692, SOR/95-175 TC/95-64-L		
TC/95-64-N-L Revocation of Obsolete Orders			

Initiative	Status	Initiative	Status
TC/95-77-N-L Transportation of Dangerous Goods Regulations - Editorial and Permits	G-06/05	VAC/95-3-O-L Regulations for the Administration of Veterans Benefits	X
TC/95-78-N-L Transport of Dangerous Goods Regulations (TDG) - IMDG Clarification	D	VAC/95-4-O-L Guardianship of Veterans Property Regulations	X
Treasury Board of Canada Secretariat		VAC/95-5-O-L Veterans Estate Regulations	X
TBS/95-1-O-L Government Contracts Regulations - Amendment	C TBS/94-13-L	VAC/95-6-O-L Children of Deceased Veterans Education Program	X
TBS/95-2-R-L Pension Protection	R,C TBS/R-2-L	VAC/95-7-O-L Veterans Treatment Regulations	X
TBS/95-3-O-L Public Service Superannuation	C TBS/93-2-L	VAC/95-8-O-L Gallantry Awards Order	X
TBS/95-4-O-I Public Sector Pension Reform	C TBS/93-3-I	VAC/95-9-O-L Veterans Burial Regulations	SOR/95-467
TBS/95-5-R-L Assignment of Crown Debt Regulations	R,C TBS/R-1-L	VAC/95-10-O-L Last Post Fund Program	SOR/95-468
TBS/95-6-O-I Interest on Overdue Accounts Regulations	J TBS/94-5-I		
TBS/95-7-O-L Security for Debts due to Her Majesty Regulations	C TBS/94-6-L		
TBS/95-8-O-I Payment Requisitioning Regulations	C TBS/96-4-L		
TBS/95-9-O-I Cheque Issue Regulations	J,C TBS/96-4-L		
TBS/95-10-O-I Direct Deposit Regulations	C TBS/96-4-L		
TBS/95-11-O-I Destruction of Paid Instruments Regulations	C TBS/96-4-L		
TBS/95-12-O-I Receipt and Deposit of Public Money Regulations	C TBS/96-4-L		
Veterans Affairs Canada			
VAC/95-1-O-L Veterans Appeal Board Regulations	J		
VAC/95-2-O-L Veterans Allowance Regulations	C VAC/96-6-L		

Index

A

Access to Information Act	147	airports	
section 16	143	commercial passenger vehicles	198
section 3	143	ground transportation fees	197
accounting system	267	motor vehicles, parking charges	197
accounts, overdue		traffic	198
interest	223	zoning	202
Act Respecting Firearms and Other Weapons	146	zoning (Comox)	148
Act to Amend the Bankruptcy and Insolvency Act and the Income Tax Act thereto, S.C. 1992		zoning (Greenwood)	149
section 27	123, 124	zoning (Moose Jaw)	148
Act to Amend the National Energy Board Act	248	zoning (Shearwater)	149
Adjudication Division Rules		zoning (Trenton)	149
hearings	244	alcohol	
inquiries	244	blood sample container	146
practice and procedure	244	breath analysis instruments	146
administrative monetary penalties	268	breweries, excise	167
adoption, foreign		distilleries, excise	168
parent-guardian consent	28	screening devices	146
Aeronautics Act	148, 149	alcoholic beverages	
section 5.4	202	radio	236
subsection 4.4(2)	193, 197	regulations	236
subsection 4.7(2)	195	specialty services	236
Aeronautics Act, R.S.C., chapter 33 (1st suppl.)		television	236
section 4.9	199	animals	
Affiliated Persons Regulations	53	genetic engineering	14
Agricultural Products Marketing Act	15	health	14, 16
Agriculture and Agri-Food Administrative Monetary Penalty Act	11	interprovincial trade	41
air transportation	<i>see transportation, air</i>	transportation	16
aircraft		veterinary biologics	14
airport traffic	198	wild, protection	41
disabilities, persons with	255	antilock break system	210
occupational safety and health	102	archaeological sites	
sales and excise taxes	170	Northwest Territories	119
small aircraft	255	Yukon	119
		Arctic Waters Pollution Prevention Act	
		section 12	205
		area control list	68
		artists	
		professional category	100
		assets	
		foreign life insurance companies	276
		Assistance Fund Regulations	226
		Atlantic Canada Opportunities Agency Act	
		section 13(f)	229
		section 20(2)(a)	229

Atomic Energy Control Act section 9	230, 231	biotechnology	12, 13, 14, 72
aviation		bird sanctuaries	
occupational safety and health	216	change to boundaries of national areas	40
		migratory birds	40
B		blood	
baggage inspection		alcohol testing	146
X-ray devices	94	breath analysis instruments	146
baiting	39	inquiry	93
Bank Act	62, 273, 277, 278	sample container	146
paragraph 410(3)(b)	52	screening devices	146
section 162	53	test kits	77
bankruptcy and insolvency		boilers and pressure vessels	
fees	123, 124	occupational safety and health	99
rules and Forms	123	breweries	
Bankruptcy and Insolvency Act, R.S.C. 1985		duty	167
chapter B-3	123, 124, 125	broadcasting	
benefits		AM carrier current transmitters	125
supplementary		low-power announce transmitters	125
overpayment	149	receiving apparatus	125
Benefits Redesign Project	227	technical data services	126
benzene	37	Broadcasting Act, 1991	
natural gas dyhydrators	36	section 10	236, 237
Bill C-54	<i>Act to Amend the Old Age Security Act, the Canada Pension Plan, the Children's Special Allowances Act and the Unemployment Insurance Act</i>	section 11	237
Bill C-64	<i>Employment Equity Act</i>	brucellosis and tuberculosis eradication programs	5
Bill C-68	<i>Act Respecting Firearms and Other Weapons</i>	Budget, 1994	
Bill C-84	<i>Regulations Act</i>	income tax	54
Bill C-101	<i>Canada Transportation Act</i>	Budget, 1995	
Bill C-55	<i>Act to Amend certain acts in relation to pensions and to enact the Special Retirement Arrangements Act and the Pension Benefits Division Act</i>	income tax	54
Bill C-101	<i>Canada Transportation Act</i>	burden, increasing	81, 83, 91, 116, 132, 135, 138, 154, 172, 201, 205, 208, 258, 273, 277
Bill C-23		burden, reducing	11, 13, 22, 37, 38, 66, 76, 77, 80, 85, 88, 96, 114, 123, 124, 125, 128, 130, 134, 135, 139, 157, 167, 168, 169, 172, 173, 178, 179, 180, 194, 248, 259, 268, 275, 277
Bill C-45	<i>An Act to Amend the Corrections and Conditional Release Act, the Criminal Code, the Criminal Records Act, the Prisons and Reformatories Act and the Transfer of Offenders Act</i>	business immigrant selection criteria	27
		Business Impact Test	83, 94
		C	
		Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act	61
		Canada - U.S. Free Trade Agreement	48, 136, 137, 167

Canada Agricultural Products Act	4	Canada Oil and Gas Production and Conservation Regulations	251
section 32	4, 5, 6, 11, 13, 17	Canada Pension Plan	
Canada Business Corporations Act	133	employment, types	173
financial disclosure	134	paragraph 108(2)(e)	106
insider reports	140	paragraph 108(3)(b.1)	106
insider trading	134, 140	refund of overpayments	174
proxy and proxy solicitation	134	section 7	173
section 127	134	source deductions	173
section 149	134	subsection 21(1)	173
section 150(1)	134	Canada Petroleum Resources Act	153, 154
section 155	134	section 100	118
section 174	133	section 107	118
section 194	134	Canada Shipping Act	193, 194
section 198	134	section 314	205
section 200	134	section 338	205, 206
section 201	134	section 343	205
section 206	134	section 405	207
section 261	134	section 406	207
section 261(1)(a)	133	section 407	207
shares, constrained	133	section 562.1	206
take-over bids	134	subsection 338(1)	205
Canada Business Corporations Regulations		subsection 339(1)	205, 206
section 29	134	subsection 562(2)	206
section 47	134	subsection 562(3)	206
section 57	133	subsection 562(4)	206
sections 58 to 73	134	Canada Student Financial Assistance Act	103
Canada Deposit Insurance Corporation Act		Canada Student Loans Act	103
paragraph 39.15(5)(b)	52	Canada Transportation Act	
Canada Elections Act	271	subsection 51(1)	196
Canada Grain Act		Canada Wildlife Act	
paragraph 116(i)(r)	7	section 12	40
subsection 116(1)	6	Canada-Newfoundland	
subsection 16(1)	7	Atlantic Accord	
Canada Labour Code		Implementation Act	152, 153, 154, 155, 159
hazardous materials/substances	239	Canada-Nova Scotia Offshore	
occupational safety and health	108	Petroleum Resources Accord	
Part II	108	Implementation Act	152, 153, 154, 155
Part III	108	Canada/Israel Free Trade Agreement	69, 180
section 125	99, 100, 101, 102	Canadian Aviation Regulations	
section 126	99, 100, 101, 102	aerodromes	200
subsection 137.1(3)	102	air navigation services	200
subsection 157(1)	99, 100, 101, 102	aircraft firefighting	200
subsection 157(1.1)	99, 100, 101, 102	airports	200
subsection 157(3)(a)	102	airworthiness	202
subsection 178(2)	102	commercial air services	201
Canada Lands Surveys Act		flight rules	201
section 4	157	general operating	201
Canada Oil and Gas Operations Act	158, 250, 251, 252		
section 14	117		

identification	199	section 18	69
leasing	199	child safety	
personnel licensing and training	202	carriages and strollers	82
registration	199	cribs and cradles	85
Canadian Coast Guard		child support	
fishing vessel, small	205	Divorce Act	147
Canadian Environmental Assessment Act	42, 43, 155	Children of Deceased Veterans Education Assistance Act	227
section 59(a)	42	Chile	
section 59(b)	41	NAFTA	69, 166, 179
section 59(c)(ii)	43	chlorofluorocarbons	36
Canadian Environmental Protection Act		Citizenship Act	
Part VI	35	section 27	27
section 18	38	citizenship regulations	
section 34	36, 37, 38	fee increase	27
section 53	37	claimant	
section 54	35, 37, 38	self-employment	104
section 87(2)	37	condoms	
Canadian Forces Superannuation Account	149	contraceptive devices	80
Canadian Forces Superannuation Act	149, 150, 222	medical devices	83
Canadian immigration visa	30	consolidation	
Canadian International Trade Tribunal Act		Denatured Alcohol Regulations and Specially Denatured Alcohol (Import) Regulations	169
section 39	234	Diplomatic and Consular Privileges and Immunities Act and the Privileges and Immunities (International Organizations) Act under the Foreign Missions and International Organizations Act	179
Canadian International Trade Tribunal Rules	234	Food, Water and Sanitation Regulations and Potable Water Regulations	96
Canadian Laws Offshore Application Act		Narcotic Control Act and parts III and IV of the Food and Drugs Act into Controlled Drugs and Substances Act	183
paragraph 5(2)(b)	143	Narcotic Controls Regulations and Food and Drug Regulations, Parts G and J	76
Canadian Pension Commission	226	Consumer Packaging and Labelling Act	
Canadian talent development	236	section 18	131
Canadian Wheat Board Act		Consumer Packaging and Labelling Regulations	
subparagraph 32(1)(b)(i)	7	Specialty Product	
subsection 47(2)	7	section 6	132
carriages and strollers		consumer protection	
child safety	82	labelling	12
category	30	meat, fat contents	12
member of a crew	30	packaging and labelling	131
provincial nominee	32		
CBCA	<i>Canada Business Corporations Act</i>		
CBCR	<i>Canada Business Corporations Regulations</i>		
CCAC	<i>Consumer and Corporate Affairs Canada</i>		
Certificate of Fitness			
drilling	250		
oil and gas	250, 251		
Chemical Weapons Convention			
Implementation Act			
section 11	69		

fish products	131	grain	7
contact lenses		immigration	27
labelling	79	industrial design	129
containers		intellectual property	129
labelling	84	medical devices	82
contracts		municipal services	23
government	222	pardon	184
North American Free Trade Agreement	222	pest management regulation	92
protecting Crown interests	222	radio station	193
Contraventions Act, S.C. 1992		registered charities information return	175
chapter 47	145	fees	188
ticketing scheme	145	Royal Canadian Mounted Police	9
Controlled Drugs and Substances Act		seeds	193
subsection 54(2)	183	ship crews and inspection	194
Convention Refugee Determination Division		ship safety	127
Rules	242	telecommunications	130
determination process	243	Trade-marks Regulations	89
hearing process	243	Veterinary Drug Program	
quorum	243	cost sharing	
Cooperative Credit Associations Act	273, 277, 278	Dairy Products Regulations	9
Copyright Act	24	Egg Regulations	9
section 66.6(1)	238	Feeds Regulations	9
section 70.66(3)(b)	238	Fertilizers Regulations	9
section 59	129	Fresh Fruit and Vegetable Regulations	9
Copyright Board		Hatchery Regulations	9
rights claims	238	Health of Animals Regulations	9
rules of practice and procedure	238	Honey Regulations	9
Corrections and Conditional Release Act	184	Licensing and Arbitration Regulations	9
section 54	184	Livestock Carcass Grading Regulations	9
section 78(2)	185	Maple Products Regulations	9
subsection 96(1)(iii)	186	Meat Inspection Regulations	9
subsection 96(d)	185	Plant Protection Regulations	9
subsection 96(f)	187	Processed Products Regulations	9
subsection 96(g)	185	Seeds Regulations	9
subsection 96(s)	186		
subsection 96(z)(7)	186	Cree-Naskapi (of Quebec) Act	
subsection 96(z)(9)	186	section 156	112
cosmetics		cribs and cradles	
labelling, ingredients	73	child safety	85
cost recovery	139, 231, 248	criminal charges, pending	30
aircraft	193	Criminal Code	146
audits services	91	section 254	146
broadcasting	126	section 204	8
Canadian Coast Guard	194	crossings	
carriers	268	international power lines	248
citizenship regulations	27	Crown assets	
Drug Programme	94	disposition of	115
Explosives Regulations	157	Crown corporations	
		environmental assessment	43
		grants	161

Crown debts		section 63.1	48
payment	221	section 64	48
security for debts due to Her Majesty	223	section 68	47
CRTC Public Notice		section 71	47
1992-72	236	section 72	47
1995-5	237	section 95	165
1995-95	236	subsection 88(1)	165
Cultural Property Export and Import Act	22	subsection 95(2)	166
customs		supplementary note 1 to chapter 89	49
developing countries	48	customs trade	
fruits and vegetables	50	drawback claims remission on imported	
general amending orders	50	goods	166
goods imported by mail	164	duties relief	165
handicraft goods	49	goods exported temporarily	165
imported goods	164	temporary importation remission	167
preferential tariff	48	customs, excise and taxation	175
remission of anti-dumping duties	51	remissions	177
remission of countervailing duties	51		
remission of duties	50	D	
sports equipment	47	dairy products	
temporary importation of display goods	165	cheese	11
Customs Act	177	cheese, microbiological standards	88
paragraph 164(1)	176	food safety	15
section 164	166	frozen products	11
section 32	164, 165	income protection	8
subsection 164(1.1)	166	pasteurization standards	15
customs bonded warehouse	62	standards	11
customs border services		use of "Canada" grade names	13
accounting for goods	165	database searches	
imported goods	164	Canada Pension Plan	106
non-resident exporters	165	Old Age Security	106
Customs Tariff	48, 50, 51, 165, 167, 177	debt obligations	
code 2535	47	interest, accrued	54
code 2640	47	definition	
code 2955	49	fiancé(e)	29
section 101	50, 51, 166, 167, 177	Government Contract Regulations	245
section 13	48	immediate family versus extended	
section 18	48	family	28
section 23	49	member of a crew	30
section 25	49	member of the Live	31
section 27	50	pension plans	277
section 28	50	spouse	29
section 31	50	deleterious substances	
section 35	48	experimental spills	38
section 36	48	Department of Industry Act	
section 38	48	section 18	139
section 41	48	section 19	126, 139
section 54	49	section 20	139
section 58	49	Department of Transport Act	198
section 60.2	50		

section 16	198	safety	94
section 17	198	sale	78
Department of Veterans Affairs Act		drugs	
subsection 5(1)	226	categorization	93
deregulation		colouring agents	78
fees	21	controlled	
low risk animals products	5	Food and Drugs Act	78
devices, diagnostic ultrasound		European pharmacopoeia	74
standard	95	human/veterinary testing	93
diamond		insulin	81
production	119	marketed	76
disabilities, persons with	47	pari-mutuel betting	8
accessibility standards	255, 256	prescription	
air fares in large aircraft	254	Food and Drugs Act	78
aircraft	255	psychotropic substances	183
bus accessibility	215	residues in foods	91
carriage by air	257	risks	93
communication of transportation		Schedule H	78
information	269	use/dosage changes	74
goods	47	Dry Dock Subsidies Act	
personnel training	257	section 91(5.1)	161
transportation terminals	269	dry docks	
transportation, air	255	Canadian Vickers	161
transportation, marine	256, 270	George Vanier Floating Dry Dock	
transportation, rail	256, 257	(Montreal)	161
diseases		MIL-Davies	161
Food and Drugs Act	78	E	
disposition		ECE	<i>United Nations Economic Commission for Europe</i>
Crown assets	115	education	
distilleries		Canada Student Loans Program	103
domestic and imported blending		registered charities information return	
material	168	fees	175
excise	168	education programs	227
export market	168	eggs	
Divorce Act		packing and marking	4
child support	147	election	
Dominion Water Power Act		Indian band councils	112
section 15	119	election financing	
drawback		electoral events	271
customs duties	47	returning officers	271
drilling		Statutory Instruments	271
Certificate of Fitness	250	tariffs of fees	271
mobile offshore unit	158	electricity	
oil and gas	158, 250	exports	249
production and	159	imports	249
drilling and production	159	new policy	248
drug products		power lines	248

crossings	248	foods	14
international	248	fuels	38
Electricity and Gas Inspection Regulations	135	hazardous waste management at federal facilities	38
electromagnetic environment	141	health	14
interference-causing equipment	126, 140	mining	114, 115
radio standards	141	mining impact	120
weights and measures	141	ocean management programs	65
electronic data interchange	178	offshore pipelines	252
electronic filing		oil and gas	251
Canada Business Corporations Act	133	oil pollution incidents	205
lobbyists	139	PCBs	38
emergency drug release	93	pipelines	248
emergency preparedness		pollution	250
financial assistance	150	pulp and paper effluent	37
foods	91	safety	251
Emergency Preparedness Act	150	seeds field testing	14
employment authorization		storage tank systems	37
police forces	28	sulphur content in liquid fuels	38
employment equity		wild animals and plants	41
reporting	100	environmental studies	154
Employment Equity Act	109	estate	
section 11	100	payments	223
EnerGuide		estrogens, conjugated	76
home appliances	156	excise	
labelling	156	beer	167
energy efficiency	159	beer exports	167
electric motor	158	bonding warehouse	168
lamp	158	distilleries	168
Energy Efficiency Act		domestic and imported blending material (spirits)	168
section 20	156, 158	federal sales tax	170
section 25	156, 158	goods in bond	168
energy efficiency standards	156	refund payments	170
environmental assessment		return of exported goods	168
Mackenzie Valley	116	tobacco	170
minimal federal involvement	43	tobacco products	169
offshore boards	43	Excise Act	177
oil and gas		paragraph 127(b)	167
(Newfoundland)	155	section 127	168, 169, 170
One Project, One Assessment	42	section 127.1	167, 168, 169
panel procedures	42	section 150(1)	168
projects outside Canada	42	section 154	168
environmental protection		section 174	167
Arctic shipping	205	section 181	169
Canada-United States Air Quality Accord	38	section 183	169
fertilizers	13	section 186	169
		section 194	169
		section 201	169
		section 202	169, 170
		section 31	167, 169

Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act	61	section 19	27, 74, 75, 76, 82, 89, 91, 106, 126, 127, 184, 193
Federal Elections Fees Tariff	271	section 19(1)	113, 174, 175
federal government employees		section 20	224
land acquisition (Northwest Territories)	115	section 23	50
land acquisition (Yukon)	115	section 25(1)	224
federal heritage buildings		section 36(2)	224
protection (statutory), enhanced	24	section 38(1)	224
Federal Real Property Act	156	section 60	52
paragraph 15(2)(a)	115, 117, 118	section 71	221
Federal Referendum Fees Tariff	271	subsection 23(2)	177
feed		subsection 41(1)	222
field testing	12	financial contracts	52
registration	4	financial disclosure	
Feeds Act		Canada Business Corporations Act	134
section 5	12	financial institutions	
Feeds Regulations, 1983	13	assessment of expenses against	
Schedule 1, Table 3	13	supervised institutions	276
Schedule 1, Table 4	13	cost of credit disclosure	62
fees		credit information	273
assessment	30	distribution of assets	275
Canada Pension Plan	106	exemptions	277
cosmetic program	75	financial sector reform	273
deregulation	21	form of proxy	273
dividends paid to creditors	125	income tax, Budget, 1994	54
drug evaluation	76	information returns	275
fish inspection	65	insider report	273
manufacturing licences	74	insurance activities	273
marketed drugs	75	insurance companies	275, 276
national parks	21	appropriations of capital	275
Old Age Security	106	capital gains	275
fertilizers		security	275
environmental protection	13	investment counselling	52
field testing	13	investment valuation	274
health	13	minority investments	273
labelling	13	orders	277
notification procedure	13	pension benefit standards	275
standards	13	portfolio management	52
Fertilizers Act		proceeds of crime (money laundering)	52
section 5	13	related-party transactions	273
Fertilizer Administration Act	9, 128	safekeeping of assets	275
chapter F-11	245	solvency funding rules	275
Schedule III	59	substantial investments	274
section 10	223, 224	accounting	274
section 155.1	223	supervision	278
section 156	223	valuation standards	275
section 17	224	financial sector reform	
		financial institutions	273
		firearms	
		gun control	146
		Firearms Act	146

first aid		herbs and botanical preparations	87
occupational safety and health	100	honey	13
fish		imports	11
packaging		interim marketing authority	89
quantity	131	labelling	90
packaging and labelling	131	licensing and arbitration	17
fish inspection		maple products	13
fees	65	monetary penalties for non-compliance	11
Fish Inspection Regulations	131	novel	89
fish/fisheries		processes	89
health protection	66	seed potatoes	9
infectious diseases	66	seeds field testing	14
Fisheries Act	64	use of "Canada" grade names	13
section 36	35, 36, 37	weight reducing diets	87
section 36(5)	38		
section 43	66	Foods and Drugs Act	
fishing		section 30	87
national parks	23	foreign companies	
fishing vessel, small		assets	276
Canadian Coast Guard	205	foreign missions	179
food and drug		Foreign Missions and International	
economic fraud	10	Organizations Act, S.C. 1991	
Food and Drug Regulations	132	chapter 41	69
Food and Drugs Act		forestry	
section 30	10, 12, 73, 74, 75, 76, 78, 79, 80, 81, 83, 87, 88, 89, 90, 91, 93	protection (Yukon)	118
food inspection		reforestation	118
alternative service delivery	9	fruits and vegetables	
cost sharing	9	exports	11
foods		imports	11
additives	90	FTA	<i>Canada - U.S. Free Trade Agreement</i>
agricultural residue limits	90	G	
allergen labelling	10	Gallantry Awards Order	226
allergens	90	garnishment	
cocoa products standards	88	family	145, 146
dairy products	13	notice of service	145
drug regulations	10	Garnishment, Attachment and Pension	
drug residues	91	Diversion Act	146
emergency regulations	91	GATT	<i>General Agreement on Tariffs and Trade</i>
enforcement	11	General Agreement on Tariffs and Trade	11, 48, 222
environmental protection	14	genetic engineering	
exports	11	animals	14
extracts, vanilla and others	169	health	14
federal grade names	13	Georges Bank	154
fruits and vegetables	11, 13	Good Manufacturing Practices	73
fruits and vegetables, tariffs	50	goods	
Good Manufacturing Practices	88		
health	14		

audio-cassettes, tax treatment for imports	60	Hazardous Materials Information Review Act	
dangerous		exclusion reviews	240
transportation	214, 215, 220	subsection 48(2)	239
disabilities, persons with	47	hazardous materials/substances	
general excise and sales taxes	170	appeal board procedures	239
handicraft, developing countries	49	Canada Labour Code	239
imported	58	environmental protection	38
non-taxable imported	57	fee reduction for small business	239
payment of duties	164	pesticides	240
reporting and release	178	trade secret claims	240
sales tax exemptions	171	Hazardous Products Act	82, 84, 85
ships and aircraft sales and excise taxes	170	section 5	81
tariff treatment - rules of origin	48	health	
temporary importation of display	165	animals	14, 16
tobacco products	60	carbon monoxide	95
goods and services		clenbuterol	90
CORCAN, produced by	186	fertilizers	13
Government of Canada Bonds		fruits and vegetables	11
securities	52	genetic engineering	14
Government Property Traffic Act	198	lead	84, 85
government services		Royal Canadian Mounted Police	188
interest on overdue accounts	223	transportation	16
Governor in Council		veterinary biologics	14
powers	24	Health of Animals Act, S.C. 1990	
grain		chapter 21	5, 14
fees	7	hospital beds	
futures	15	safety	94
grades	7	human	
initial payments	7	tissue and organs	93
licensing	6	Human Resources Development Canada	
marketing	6	Income Security Programs Branch	227
quality control	7	human semen	
security program	6	artificial insemination	75
special crops	6	hunting, annual game bird	39
Grain Futures Act	15	hydrochlorofluorocarbons	36
grants		hydrofluorocarbons	35, 37
Crown corporations	161		
municipal	161		
Gros Morne National Park		I	
timber harvest	23	immigrant selection	
Guardianship of Veterans' Benefits	228	provinces	32
H		immigration	
harbours		seeking entry in Canada	30
government wharves tariffs	194	Immigration Act	
harbours and ports		section 65(1)	242, 243, 244
environmental assessment	43	section 114	27, 28, 29, 30, 31, 32
		section 6	32

subsection 114(1)	27	Indian Act	
subsection 9(1)	27	section 42	112
Immigration Appeal Division Rules	243	section 57	113
medical inadmissibility	244	subsection 73(3)	113
		subsection 74(1)	112
import control list		Indian Oil and Gas Act	
textiles and textile articles	68	section 3	113
import permit		Indian timber	113
textiles and textile articles	69	industrial design	
imports		accountability	129
alcoholic blending material	168	Industrial Design Act	
by mail	164	section 25	129
display goods	165	information banks	
drawback claims	166	change description	145
dumping, subsidy and calculation	51	family	145
electricity	249	Human Resources Development Canada	145
exemption for used motor vehicles	167	information disclosure	
foods	11	lobbyists	139
fruits and vegetables	11	information, exchange of	
goods	58	provinces	107
mail (GST)	60	inmates	
narcotic and controlled drugs	75	insider	
non-taxable goods	57	reports	
oil and gas	249	Canada Business Corporations Act	140
payment of duties	164	trading	
steel	67	Canada Business Corporations Act	134, 140
temporary, duties relief	167	inspection and collection of data	69
tobacco products	169	installations	
veterinary pharmaceuticals	90	construction standards	251
inclusion list	41	insurance	
Income Tax	56	activities	
business re-engineering	180	financial institutions	273
Income Tax Act	177, 222, 277	financial institutions	275
paragraph 221(1)(a)	172	appropriations of capital	275
paragraph 221(1)(d)	172, 173	capital gains	275
paragraph 221(1)(f)	176	security	275
pension plans	150	income tax	53
subparagraph 110.1(1)(a)(vi)	172	investment valuation	274
subsection 117(6)	172	transportation, air	258
subsection 122.64(2)	172	insurance companies	
subsection 153(1)	171	financial institutions	276
subsection 156(3)	173	Insurance Companies Act	62, 273, 274, 275, 277, 278
subsection 220(3.2)	172	paragraph 441(4)(b)	52
subsection 221(1)	53, 54, 55, 56	section 170	53
subsection 247.1(18)	56	section 608	276
Income Tax Regulations		section 609	276
Part XIV	53	section 610	276
Part XXIV	53		
incorporation by reference			
standards	128, 140, 141		

intellectual property		oil and gas	153
copyright	129	oil and gas (frontier lands)	153
fees	140	registration (petroleum interests)	118
patents	130	surface rights (Mackenzie Valley)	116
Intellectual Property Law Improvement Act	130	surface rights (Nunavut)	116
interest, accrued		surface rights (Yukon)	117
debt obligations	54	survey tariffs	157
Internal Trade Agreement	62	surveyors	157
international organizations	179	territorial (Northwest Territories)	115
investment allowance	55	territorial (Yukon)	115
J		laser equipment	
Jasper, Town of		standards	79
parking authority	21	lead shot	
L		ban	40
labelling		licence	
allergens	90	Alberta hydro operations	119
consumer	131	licensing	
consumer protection	12	satellite systems, mobile	127
contact lenses	79	LIF (Life Income Funds)	
container sizes	131	non-residents	276
cosmetics ingredients	73	transfer option	277
drug regulations	10	livestock	
EnerGuide	156	disease control measures	16
fertilizers	13	diseases, list of reportable	16
fish products, canned	131	livestock and poultry carcass	
food allergens	10	privatization	5
foods	90	veal standards	6
foods and drugs	17	loan insurance	
in-vitro diagnostic test devices	80	commercial enterprise	229
menstrual tampons	79	debenture loans	232
standards	13	fire insurance	232
tobacco products	169	guarantee requirements	232
labelling and packaging	<i>see packaging and labelling</i>	mortgage-backed securities	232
lamps	158	repayment arrangements	232
land		security	232
acquisition	115	social housing	232
Canada oil and gas	156	loan insurance products	
federal government employees		construction	233
(Northwest Territories)	115	land	233
federal government employees (Yukon)	115	loans	
frontier	117, 118, 153	Canada Student Program	103
frontier, oil and gas		lobbyists	
(Newfoundland)	155	electronic filing provisions	139
frontier, oil and gas		information disclosure	139
(Nova Scotia)	155	Lobbyists Registration Act, R.S.C. 1985	
Mackenzie Valley land use	116	chapter 44 (4th suppl.)	139

M

major initiatives

Accessibility Standards - Persons with disabilities - Transportation Terminals	269
Agr/95-1-M	9
Agr/95-2-M	9
Blood Renewal Projects and Blood Inquiry	93
Canada/Israel Free Trade Agreement	180
CIC/95-12-M	32
CIC/95-3-M	27
CIC/R-1-M	27
CIC/R-2-M	27
Drug Programme - Cost Recovery Initiatives	94
EC/91-278-M	43
EC/96-1-M	35
EC/96-4-M	36
EIC/93-1-M	102
EIC/93-2-M	103
Energy Efficiency Performance Levels	159
F&O/96-1-M	64
FAIT/96-4-M	69
FAIT/96-5-M	69
Fin/92-33-M	53
Fin/93-7-M	53
Fin/95-31-M	54
Fin/95-32-M	54
Fin/96-31-M	56
Fin/96-32-M	56
Fin/96-33-M	60
Fin/96-34-M	60
Fin/96-36-M	61
Fin/R-35-M	61
Fin/R-4-M	48
Fin/R-6-M	48
HCan/95-2-M	73
HCan/95-39-M	82
HCan/96-1-M	74
HCan/96-3-M	75
HCan/96-4-M	75
HCan/96-18-M	83
HCan/96-38-M	92
HCan/R-34-M	91
HRDC/95-28-M	106
HRDC/96-6-M	106
IAND/94-12-M	114
Mine Site Reclamation	120
Motor Vehicle Safety Regulations, Standard 214	
Side Door Strength (Dynamic Test)	217
NAFTA - Accession of Chile	179
NRCan/94-43-M	156

NRCan/96-2-M	158
NTA/96-1-M	254
NTA/R-2-M	268
OCEO/R-1-M	271
OSFI/92-1-M	273
Pest Control Products Act (revised)	96
RC/96-2-M	166
Regulatory and Supervisory Systems - Enhancement - Standards for Life Insurers	278
TC/95-51-M	207
TC/95-72-M	214
TC/96-1-M	194
TC/96-12-M	210
TC/R-1-M	193
TC/R-2-M	193
TC/R-3-M	193
manager qualifications	252
manufacturing	
biologics	73
excise	169
exported goods	169
extracts, vanilla and others	169
goods in bond	169
in bond	169
sales tax exemptions	171
marine installations	
safety zones	143
Marine Transportation Security Act	
section 5	195
meat	
fat contents	
consumer protection	12
fat contents in ground meat	12
labelling	12
medical devices	
condoms	83
contact lenses	79
contraceptive	83
in-vitro diagnostic tests	80
investigational testing	83
labelling	79
menstrual tampons	79
standards	82
syringes	81
Members of Parliament	
allowances	223
Members of Parliament Retiring Allowances Act	222

section 64	223	Northern Marine Resupply Services Regulations	260
Migratory Birds Convention Act, 1994		Part VII Exemption Regulations	269
section 12	39, 40, 41	Railway Act Fees Order	267
mines		Railway Advance Payment Regulations	264
occupational health and safety	231	Railway Free and Reduced Rate Transportation Regulations	266
uranium (Ontario)	231	Railway Lines Abandonment Regulations	267
minimum wages	102	Railway Traffic Liability Regulations	266
mining		Motor Vehicle Safety Act	
claims and prospecting	115	section 5	210, 211, 212, 213, 214
coal	102	motor vehicles	
coal (Nova Scotia)	101	airport ground transportation fees	197
dredging (Northwest Territories)	120	airport parking charges	197
dredging (Yukon)	120	automobile operating cost benefit	57
environmental impact	120	commercial, airport passengers	198
environmental protection	114, 115	imports, exemption for used	167
granular material deposits	115	safety	210, 211, 212, 213, 214, 217, 218, 219
land use	114	Municipal Grants Act	
Northwest Territories	114	section 9(1)	161
occupational safety and health	101	music industry	236
on-reserve	113	mutual fund reorganizations	54
pits and quarries	115		
placer mining	114	N	
precious metals	115	NAFTA	<i>North American Free Trade Agreement</i>
site reclamation	120	narcotic and controlled drugs	
staking prohibitions (Yukon)	115	exports	75
work relief (Yukon)	114	imports	75
ministerial authority		Narcotic Control Act	
delegation of powers	107, 176	section 20	78
Ministerial Regulations Authorization Order		National Battlefields at Quebec Act	22
section 2	197	National Capital Act, R.S.C. 1985	
miscellaneous regulatory amendments	177	chapter N-4	245
Asset and Revenue Determination Regulations	269	National Energy Board Act	248, 249
Baggage Car Traffic Regulations	264	national historic sites	21
Canada Business Corporations Act	134	protection (statutory), enhanced	24
Canadian Cultural Property Export Control List	22	National Housing Act	
Conditions on Passes Approval Order	264	section 101	232
Free and Reduced Rate Transportation Regulations	265	section 20	232
General Order E-1	261	section 21.4	232
General Order E-10	262	National Institute of Standards and Technology	137, 138
General Order E-11	263	national parks	
General Order E-12	262	fees	21
General Order E-18	261		
General Order E-4	263		
General Order E-5	262		
Mackenzie River Area Distances Regulations	260		

geophysical operations	250	packing and marking	
imports	249	eggs	4
installation construction standards	251	PARE standard	189
manager, offshore installation		parent-guardian consent	
(Newfoundland)	155	intercountry adoption	28
manager, offshore installation		pari-mutuel betting	
(Nova Scotia)	155	drug schedule	8, 16
mobile offshore drilling unit	158	standards	16
new satellite survey system	118	parking authority	
occupational health and safety		Jasper, Town of	21
(Newfoundland)	152	parole	
occupational health and safety		conditional release and detention	184
(Nova Scotia)	152	Patent Act	
offshore		section 12	130
(Newfoundland)	153, 154	patents	130
offshore		payments	
(Nova Scotia)	154	provincial governments	61
operating licence	251	PBC	
petroleum products	136	waste management	37
production	251	Pension Benefits Division Act	150, 222
reporting spills	251	Pension Benefits Standards Act, 1985	275, 276, 277
rights	117	section 26	277
reserve lands	113	section 28	277
safety	251	section 6	277
satellite survey system		pension plans	
(Newfoundland)	153	definition	277
satellite survey system		Income Tax Act	150
(Nova Scotia)	153	Pensioners Training Regulations	227
spills	252	pensions	
spills and debris liability		benefits standards	275
(Newfoundland)	155	Canadian Forces superannuation	149
weights and measures	136	family	146
oil pollution incidents		financial institutions	275
Arctic shipping	205	income tax	53
environmental protection	205	public sector reform	222
offshore		public service superannuation	222
(Newfoundland)	154	Royal Canadian Mounted Police	
offshore		superannuation	187
(Nova Scotia)	154	unregistered plans	53
spills and debris liability		Pensions Benefits Standards Regulations	
(Newfoundland)	155	solvency funding rules	278
Old Age Security Act	107	permits	
section 33(3.1)	107	validity	68
ozone-depleting substances	36	personnel training	
		disabilities, persons with	257
P			
packaging			
consumer	131		
container sizes	131		
fish products, canned	131		
quantity			
fish products, canned	131		

electromagnetic environment	141	advertising concerns	77
Radiocommunication Act		Air Transportation Regulations	258, 259
section 12	128	animals	14, 16
section 5	125, 126, 127	Assistance Fund Regulations	226
section 6	127, 128	chemical contaminants	88
rail		consolidation of fees	194
liability insurance	267	consolidation, Storage of PCB Materials	
western grain		Regulations, PCB Waste Export	
annual rate scale	268	Regulations and Federal Mobile PCB	
rail transportation	<i>see transportation, rail</i>	Treatment and Destruction	
railway		Regulations	37
fencing	209	Consumer Packaging and Labelling	
Railway Act		Regulations	131
section 114	261	controlled drugs and substances	76
section 14	267	cost sharing	9
section 290	264	dairy products	11
section 291	265	Deceased or Former Members	
section 300	264, 265, 266	Dependants Payment Order	226
section 328	261	feeds	13
section 336	262	food additives and nutrient addition	88
section 341	264	food and drug	10
section 347	267	food labelling	88
section 9	264, 266	fruits and vegetables	11
subsection 201(6)	262, 263	Gasoline and Aviation Gasoline Excise	
subsection 212(3)	262	Tax Application Regulations	171
subsection 270	264	Gasoline and Aviation Gasoline Excise	
subsection 326(5)	263	Tax Regulations	171
Railway Safety Act		General Radio Regulations, Part I	128
paragraph 24(1)(f)	209	General Radio Regulations, Part II	128
section 119	209	grain	15
section 24	209	Infant or Person of Unsound Mind	
section 7	209	Payment Order	226
subsection 39(2)	194	inspection and enforcement	88
RCMP Superannuation Act	222	Interference-Causing Equipment	
Referendum Act		Regulations	128
section 198	271	labelling of drug and kits	77
registered retirement savings plans	150	licensing and arbitration	17
registration		packaging	88
feed	4	pari-mutuel betting	17
inedible rendering establishment	4	Radio-Operators' Certificate Regulations	128
Regulations Act	144	reimbursement to provinces and	
regulatory reform	<i>see regulatory review</i>	municipalities	227
regulatory review	5, 6, 39, 64, 171	revocation, Alice Arm Tailings Deposit	
administration	88	Regulations	36
Administrative Monetary Penalty		revocation, Cape Dorset Bird Sanctuary	41
System Regulations	11	standards, compositional	88
advertising and claims	88	standards, microbiological	88
		reindeer	
		Northwest Territories	117
		protection of	117
		repeal	<i>see revocation</i>
		reporting	

employment equity	100	sections dealing with specifications for vanilla in solutions, vanilla extract and other extracts	169
reserve lands		Small Manufacturers or Producers Exemption Regulations	171
oil and gas rights	113	standard for diagnostic X-ray equipment	80
residence, change in income tax	55	Television Broadcasting Regulations, 1987	
retriever	39	subsection 6(2)	236
review		Vetcraft Shops Regulations	226
Customs Act	178	roller blading	22
Excise Act	180	Royal Canadian Mounted Police	
GST	180	code of conduct	187
revocation	128, 136, 273	External Review Committee	
Act Respecting the National Battlefields at Quebec	25	rules of practice and procedure	188
Alice Arm Tailings Deposit Regulations	36	health and safety	188
Atlantic Fisheries Restructuring Act	64	long service medal	188
Bankruptcy rules and forms, obsolete provisions	123	pension continuation	188
Broadcasting Technical Data Services Fees Order	126	political activity	187
Canada Mining, section 78	114	reorganization	188
Canada Pension Plan Regulations Schedule IX	107	Royal Canadian Mounted Police Act	
Canadian ownership requirements, Canada Oil and Gas Land	156	section 19	188
Cape Dorset Bird Sanctuary	41	section 20.1	188
Coastal Fisheries Protection Act	64	section 21(1)	188
Consumer Packaging and Labelling Act, section 36	131	section 26	187
Deceased or Former Members		section 29	188
Dependants Payment Order	226	section 38	187
Delegation of Powers (VLA) Regulations	228	RRSP	
Division 10, Food and Drug Regulations	77	non-residents	276
Execution of Purchase of Property Documents Regulations	228	rules of origin	
fee for the issuance of a certificate of compliance	132	chemical and allied industries	166
Fisheries Development Act	64	rules, general	268
Formula Refunds Regulations	170	S	
Game Export Act	41	safety	
Great Lakes Fisheries Convention Act	64	aviation	216
Infant or Person of Unsound Mind Payment Order	226	building	
National Capital Commission Traffic and Property Regulations	245	occupational safety and health	101
Northwest Territories Reindeer	117	carbon monoxide	95
Old Age Security Regulations Schedule	108	diving	
orders	209	occupational safety and health	101
section 5, Fuels Information Regulations No. 1	38	drug products	94
		heavy trailer cargo anchoring devices	212
		hospital beds	94
		hydraulic and air brake systems	214
		incomplete vehicles, certification of	219
		lighting equipment	218
		mirror, rearview	218
		motor vehicles 210, 211, 212, 213, 214, 217, 218, 219	219
		noise	219

occupant crash protection	212	sports equipment	
offshore pipelines	252	customs and excise	47
oil and gas	251	duty-free entry	47
operations	252	standards	
passenger car brake systems	211	actuarial and accounting	276
pipelines	248	air transportation, equipment	255
rear impact guards	219	cheese	88
restraint systems	213	cocoa products	88
road	210	container sizes	131
Royal Canadian Mounted Police	188	cylinder	215
rules and operations	216	diagnostic ultrasound devices	95
seat belt assembly anchorages	217	diagnostic X-ray equipment	80
seat, anchorage of	219	diary products	15
side door strength	213, 217	energy efficiency	156
tether anchorages	219	fertilizers	13
vehicle overloading	217	incorporation by reference	128, 140, 141
zone		interference-causing equipment	126, 140
marine installations	143	labelling	13
satellite systems, mobile		labelling of in-vitro diagnostic test	
licensing	127	devices	80
seaway	209	laser equipment	79
security		mandatory	126
transportation, air	195	medical devices	82
transportation, marine	195	packaging and labelling	131
transportation, rail	194	radio specifications	127, 141
Seeds Act	9, 14	rail transportation, equipment	256
Seeds Regulations, Part II	9	tank	214
Seized Property Management Act		telecommunications	140
section 10	144	transportation equipment, marine	256
section 11	144	transportation, marine	205
self-employment		United States	125
claimant	104	veal	6
semen and embryos	5	weights and measures	141
shares, constrained		Weights and Measures Regulations	138
Canada Business Corporations Act	133	X-ray equipment	81, 82
simplification		standards of performance	
Canada Pension Plan contributions	181	management of ozone-depleting	
Income Tax	181	substances	35
Unemployment Insurance premiums	181	status of refugees	
SOA	<i>special operating agency</i>	convention	31
social housing	232	Status of the Artist Act	100
Special Import Measures Act	51	statutory instruments	
Special Retirement Arrangements Act	150, 222, 223	publication	144
specialty services regulations	236	Statutory Instruments Act	
alcoholic beverages	236	section 20	144
sponsorship	32	steel	
		imports	67
		storing in-bond	179
		stowaways aboard vessels	

custody	31	established program financing	61
superannuation		exported goods	170
public service	222	federal-provincial fiscal arrangement, 1994	61
supervision		federal sales or excise	170
financial institutions	278	federal sales tax	171
Supplementary Retirement Benefits Account	149	financial services	58
syringes		games of chance (lotteries) (GST)	59
single use insulin	81	gasoline and aviation gasoline excise rebates	171
T		general excise and sales	170
take-over bids		Goods and Services Tax	56
Canada Business Corporations Act	134	GST	60
tariffs		imported goods	58
air transportation	259	imported goods (GST)	57
CARIBCAN Commonwealth Countries	49	income, Budget, 1994	54
Commonwealth countries	50	income, life insurance companies	53
country of origin	48	income, unregistered pension plans	53
developing countries	48	information returns	172
fruits and vegetables	50	instalment base	173
harbours	194	joint venture	58
lands surveys	157	mail and courier imports (GST)	60
marine transportation	260	public service body rebate	59
most-favoured-nation	49	publications supplied by a non-resident registrant	57
pilotage (Atlantic)	207	registered plans	173
pilotage (Pacific)	208	resource allowance	53
preferential treatment	49	sales exemptions for small manufacturers	171
rail transportation, passengers	265	service fees	175
Schedule VII	51	data processing	175
shipbuilding	49	statistical analyses	175
tolls for international bridges and tunnels	266	streamlined accounting	58
trade agreements	48	tables	172
vessel duty removal/reduction	49	technical publication subscription service fees	175
Tax Rebate Discounting Act		universities outside Canada	172
section 10	174	telecommunications	
tax shelter	55	apparatus assessment and testing	127
taxes		General Order E-12	262
advance taxation rulings fees	174	General Order E-18	261
agriculture and fishing property	56	interference-causing equipment	126, 140
automobile operating cost benefit	57	joint use of poles	262
Budget	60	radio standards	127, 141
collection agreements	61	satellite survey system (Newfoundland)	153
communication of information	172	satellite survey system (Nova Scotia)	153
Crown agents	59	ship station radiotelephones	205
debit and credit note	58	tariffs, transportation	266
debt obligations	53	telegraph wires, height of	261
deductions	171	telephone lines, height of	261
duties and fees (GST)	60	tolls	266
elections	172		

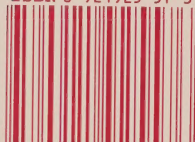
transportation	266	training	
Telecommunications Act		developmental assistance	103
section 22(2)	129	rate of allowances	102
television		transfer application	
regulations		offenders	185
alcoholic beverages	236	Transfer of Offenders Act	
violence	237	section 23	183
Territorial Lands Act	156	transportation	<i>see also</i>
section 18	118		<i>transportation, air</i>
section 23	117, 118		<i>transportation, marine</i>
section 29	115		<i>transportation, rail</i>
section 5	117	air	269
section 8	114, 117	animals	16
subsection 23(h)	115	communication of information to	
test market provisions	132	persons with disabilities	269
testing		dangerous goods	214, 215, 220
offenders	184	disabilities, persons with	269
textiles and textile articles		explosives	220
import control list	68	health	16
import permit	69	marine	269
ticket offenses	128	rail	269
timber		tariffs	266
Yukon	118	tolls for international bridges and	
timber harvest		tunnels	266
Gros Morne National Park	23	trains	102
TMA	<i>Trade Marks Act</i>	Transportation of Dangerous Goods Act,	
tobacco		1992	
excise	169, 170	section 27	214, 215
imports	169	transportation, air	
labelling	169	accessibility standards	255
mail and courier imports (GST)	60	aerodromes	195
manufacturing	169	air carriers	195
warehousing	170	air fares	254
trade-marks	130	charter service (Canada - U.S.)	259
Trade-marks Act		disabilities, persons with	254
section 65	130	insurance provisions	258
trade agreements	<i>see also</i>	security	195
	<i>Canada/Israel Free Trade Agreement,</i>	service schedules	259
	<i>Canada - U.S. Free Trade Agreement,</i>	tariffs	259
	<i>World Trade Agreement,</i>	transportation, marine	
	<i>North American Free Trade Agreement,</i>	accessibility standards	256
	<i>General Agreement on Tariffs and Trade</i>	boat and fire drill	206
industrial design	129	collision	206
weights and measures	136	convention ships	205
Trade Marks Act	17	designated waters	206
Trade Related Intellectual Property Rights	17	disabilities, persons with	256, 270
		emergency, marine	206
		federal jurisdiction	270
		international standards	205
		life saving	205
		pilotage (Laurentian)	207

pilotage (Pacific)	208	refund of overpayments	174
pilotage (Pacific) exemptions	208	unemployment insurance	
pilotage licences and certificates	208	changes	109
pilotage tariffs (Atlantic)	207	earnings	104
pilotage tariffs (Pacific)	208	economic regions	106
resupply rates	260	electronic transmission of assignment of	
security	195	benefits	105
ship station radiotelephones	205	employment history reporting system	105
small vessels	207	premium reduction	103
tackle	206	real estate salespersons	105
tariffs	260	taxi drivers	105
		working day definition	104
transportation, rail		Unemployment Insurance Act	103, 104, 105, 174
accessibility standards	256	paragraph 4(c)	105
advance payment	264	paragraph 44(b)	104
baggage car traffic	264	paragraph 44(c)	104
books of reference	261	paragraph 44(o)	105
costing	260	paragraph 44(q)	104, 105
disabilities, persons with	256, 257	paragraph 44(t)	106
free and reduced passenger rates	265, 266	section 26	103
General Order E-1	261	section 26.1(a)	103
General Order E-10	262	section 26.1(b)	103
General Order E-11	263	section 75.2	105
General Order E-4	263	subsection 75(1)	174
General Order E-5	262	United Nations Convention	65
grade separations	262	article 33	31
highway level crossings	263	United Nations Economic Commission for	
interswitching rate	264	Europe	211
joint use of poles	262		
maps	261	V	
passenger tariff	265	valuation provisions	
passes, passenger	264	imported goods	166
pipe crossings under railways	262	veal standards	
plans	261	livestock and poultry carcass	6
profiles	261	Veterans' Land Act	228
rail-highway grade crossings	209	Veterans' Land Regulations	228
security	194	Veterans Review and Appeal Board	226
telegraph wires, height of	261	veterinary biologics	
telephone lines, height of	261	animals	14
wire crossings and proximity	263	health	14
		permits	
Treasury Board		removal	5
internal regulations	221, 223, 224	visa officers	
TRIPs	<i>Trade Related Intellectual Property Rights</i>	non-immigrant custody	29
Trust and Loan Companies Act	62, 273, 277, 278	visitor visa requirements	27
paragraph 410(3)(b)	52		
section 166	53		
U			
U.S. National Conference on Weights and			
Measures	137, 138		
unemployment			
premiums, collection of	174		

W	
War Service Grants Act	
subsection 5(2)	226
subsection 5(3)	226
War Veterans Allowance Act	
section 25	227
warehousing	
excise	168
goods in bond	168
tobacco	170
Waste Assessment Framework	35
wastewater effluent, discharge	
municipalities and federal facilities	35
water	
bottled	87
Drinking Water Safety Act	95
waters, internal	
inclusion	35
weights and measures	
automatic temperature compensation of	
petroleum products	136
diamonds and gemstones	135
electromagnetic environment	141
harmonization, trade agreements	136
mass flow meters	138
metrological audit trails	137
non automatic weighing devices	137
Weights and Measures Act	135, 136, 137, 138, 141
Weights and Measures Regulations	
section 13	137, 138
section 27	137, 138
standards	138
Wild Animal and Plant Protection and	
Regulation of International and	
Interprovincial Trade Act	
section 21	41
wines and spirits	
geographical identification	17
World Trade Organization	17, 48, 51, 68, 96, 238
WTO	<i>World Trade Organization</i>
X	
X-ray equipment	
computed tomography	81
standards	80, 81, 82

Y	
Yukon Placer Mining Act	114
section 98	115
Yukon Quartz Mining Act	114
section 14(1)	115
section 55	114
Yukon Surface Rights Act	
section 78	117

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